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Report of the Committee on the Elimination of Discrimination against Women*

Twenty-eighth session

* The present document is the report of the Committee on the Elimination of Discrimination against Women on the work of its twenty-eighth session. The final report will be issued as *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 38* (A/58/38) and will include the report of the Committee on its twenty-ninth session (A/58/38 (Part II)).

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14 March 2003

Letter of transmittal

Sir,

I have the honour to refer to article 21 of the Convention on the Elimination of All Forms of Discrimination against Women, according to which the Committee on the Elimination of Discrimination against Women, established pursuant to the Convention, "shall, through the Economic and Social Council, report annually to the General Assembly of the United Nations on its activities".

The Committee on the Elimination of Discrimination against Women held its twenty-eighth session from 13 to 31 January 2003 at United Nations Headquarters. It adopted its report on the session at the 608th meeting, on 31 January 2003. The report of the Committee is herewith submitted to you for transmission to the General Assembly at its fifty-eighth session.

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Feride **Acar**
Chairperson
Committee on the Elimination of Discrimination against Women

His Excellency Mr. Kofi Annan
Secretary-General of the United Nations
New York

Chapter I

Matters brought to the attention of States parties

Decisions

Decision 28/I
Working Group on Communications under the Optional Protocol

The Committee decided to appoint Cornelis Flinterman, Aida González Martínez, Fatima Kwaku, Krisztina Morvai and Hanna Beate Schöpp-Schilling (Chairperson) as members of the Working Group, for a two-year period starting in January 2003.

Decision 28/II

The Committee decided to convene a meeting with States whose reports under the Convention have been due for over five years, during its twenty-ninth session, in July 2003.

Decision 28/III

The Committee decided, subject to the availability of resources, to nominate two of its members, in addition to its Chairperson, to participate in a workshop that the Office of the United Nations High Commissioner for Human Rights intends to convene in May 2003 within the broader framework of consultations with interested parties on the proposals for reforms of the treaty bodies, contained in the report of the Secretary-General entitled "Strengthening of the United Nations: an agenda for further change" (A/57/387 and Corr.1).

Decision 28/IV

The Committee decided, subject to the availability of resources, to nominate four of its members, including the Chairperson, to participate in the second inter-committee meeting of treaty bodies that the Office of the United Nations High Commissioner for Human Rights plans to convene in June 2003, in view of the proposals for reform of the treaty bodies contained in the report of the Secretary-General (A/57/387 and Corr.1).

Chapter II
Organizational and other matters

A. States parties to the Convention on the Elimination of All Forms of Discrimination against Women

1. As at 31 January 2003, the closing date of the twenty-eighth session of the Committee on the Elimination of Discrimination against Women, there were 170 States parties to the Convention on the Elimination of All Forms of Discrimination against Women, which was adopted by the General Assembly in its resolution 34/180 of 18 December 1979 and opened for signature, ratification and accession in New York in March 1980. In accordance with article 27, the Convention entered into force on 3 September 1981.

2. A list of States parties to the Convention will be contained in annex I to the final report of the Committee for 2003. A list of States parties that have accepted the amendment to article 20, paragraph 1, will be contained in annex II. A list of States parties that have signed, ratified or acceded to the Optional Protocol to the Convention will be contained in annex III.

B. Opening of the session

3. The Committee held its twenty-eighth session at United Nations Headquarters from 13 to 31 January 2003. The Committee held 20 plenary meetings (589th to 608th) and held 9 meetings to discuss agenda items 7 and 8.

4. Ms. Angela E. V. King, Assistant Secretary-General and Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, who acted as a temporary chairperson, opened the session.

5. In addressing the Committee at its 589th meeting, on 13 January 2003, the Assistant Secretary-General and Special Adviser on Gender Issues and Advancement of Women welcomed the new members of the Committee who had been elected at the twelfth meeting of the States parties to the Convention, on 29 August 2002, and congratulated the two members who had been re-elected at that meeting (see CEDAW/SP/2002/4, para. 7). She also congratulated Ms. Fumiko Saiga, who, after completing the term of Ms. Chikako Taya, had been elected by the meeting of States parties as a member of the Committee in her own capacity. She also warmly welcomed Ms. Salma Khan, who, after a few years of absence and after having been one of the Committee's distinguished chairpersons, had rejoined the Committee. She expressed her gratitude to the experts whose terms had expired on 31 December 2002, in particular Ms. Charlotte Abaka, the former Chairperson, for her leadership.

6. The Special Adviser reported on events of special relevance to the Committee's work that had occurred between the closing of the exceptional session at the end of August 2002 and the twenty-eighth session. She reminded members that the study requested by the Security Council in its resolution 1325 (2000) on the impact of armed conflict on women and girls, the role of women in peace-building and the gender dimensions of peace processes and conflict resolution, to which one of the Committee's members had contributed, was now available. She added that the

study, entitled "Women, peace and security", also formed the basis of a report (S/2002/1154) that the Secretary-General had submitted to the Security Council on 28 October 2002, which included 21 recommendations for action mostly addressed to the Security Council and a number of commitments by the Secretary-General. The recommendations for action called for accountability for violations of women's human rights during armed conflict; the integration of gender perspectives into all mandates and operations of peacekeeping missions; strengthening the role of women in peace processes; and increasing the participation of women at all stages of humanitarian assistance and during reconstruction processes.

7. The Special Adviser stated that ratifications and accessions to the Convention and its Optional Protocol had been continuing at a steady pace. A total of 170 States parties had ratified or acceded to the Convention and 49 States had ratified or acceded to the Optional Protocol. A total of 37 States parties had now accepted the amendment to article 20, paragraph 1, of the Convention. She assured the Committee that her Office and the Division for the Advancement of Women would continue to use every opportunity to encourage ratification of the Convention and the Optional Protocol, as well as acceptance of the amendment to article 20, paragraph 1.

8. She stated that the Committee had agreed to consider at the current session the reports of eight States parties, namely those of Canada, Costa Rica, El Salvador, Kenya, Luxembourg, Norway, the Republic of the Congo and Switzerland. Since Costa Rica was not able to present its report at the session, the Secretariat, after consultation with the Chairperson, approached the Government of Albania, which agreed to present its combined initial and second periodic report.

9. The Special Adviser drew the Committee's attention to issues contained in the report of the Secretariat on ways and means of expediting the work of the Committee (CEDAW/C/2003/I/4), including (a) the recommendations contained in the report of the first inter-committee meeting of human rights treaty bodies, held in Geneva in June 2002; (b) the report of the Secretary-General (A/57/387 and Corr.1) concerning proposals from treaty bodies, for new streamlined reporting procedures and a more coordinated approach to their activities; and (c) the Committee's long-term programme of work regarding general recommendations.

10. Ms. Carolyn Hannan, the Director of the Division for the Advancement of Women, informed the Committee about activities undertaken by the Division during the period from September 2002 to January 2003. She stated that the Division, in collaboration with the Economic and Social Commission for Asia and the Pacific (ESCAP), had convened a judicial colloquium on the application of international human rights law at the domestic level from 4 to 6 November 2002 at ESCAP headquarters in Bangkok. The participants, who were from Bangladesh, Bhutan, Cambodia, Malaysia, Pakistan and Singapore, had included judges, judicial officers, lawyers, government officials and academics. Ms. Savitri Goonesekere, a former member of the Committee, had attended the colloquium as one of the facilitators. The participants had discussed the opportunities that exist in their legal systems for making greater use of international human rights norms to benefit women and girls and advance the rights of women. The group had focused on three themes, namely: nationality, marriage and family relations; violence against women and girls; and women's access to work and work-related rights. The participants had adopted a statement in which they recommended that judges, judicial officers and lawyers be

made aware of the international legal standards applicable to women and children so that they could be sensitive to those principles when conducting trials and delivering judgements. They also recommended that law schools and colleges in the region introduce the teaching of international human rights law, including provisions relating to women and children, into their curricula.

11. The Director indicated that, immediately following the colloquium, the Division, in collaboration with ESCAP, had also organized a reporting workshop from 6 to 8 November 2002 in Bangkok. The workshop had been conducted for government officials of Asian countries responsible for preparing reports under article 18 of the Convention and had been directed primarily at those States whose initial reports had not yet been submitted. Participants had come from Bhutan, Cambodia, the Lao People's Democratic Republic, Malaysia and Tajikistan, as well as States which had not yet ratified the Convention, such as Afghanistan and Timor-Leste. The objective of the training workshop had been to enhance the capacity of government officials to prepare reports of States parties and to increase understanding of the legal obligations established in the Convention. Other areas covered by the workshop included: an overview of international human rights law; the place of the Convention in international human rights law; the process of ratification of the Convention; the Convention and its provisions; reservations to the Convention; reporting requirements, including the reporting guidelines of the Committee and its general recommendations; the role of civil society in the preparation of the report; and the reporting process and its results as well as its impact at the national level; the implementation of the Committee's concluding comments; and the follow-up process.

12. The Division had also participated in an expert seminar on article 4, paragraph 1, of the Convention — organized by a group of researchers — which had been held from 10 to 13 October 2002 in Maastricht, the Netherlands, under the chairmanship of Mr. Flinterman. Ms. Schöpp-Schilling and Ms. Patten had also attended. The main objective of the seminar had been to support the Committee in the process of drafting a general recommendation on article 4, paragraph 1, of the Convention, particularly through the formulation of concrete suggestions for its contents.

13. The Director also reported that the Division for the Advancement of Women, in collaboration with the Office on Drugs and Crime, had organized an expert group meeting from 18 to 22 November 2002 in Glen Cove, New York, on trafficking in women and girls which had identified strategies and programmes to combat trafficking in women and girls. The meeting had discussed a human rights and gender-based approach in preventing and combating trafficking in women and girls; the legal framework; root causes of trafficking and strategies; victim support and empowerment; children's rights; and national mechanisms. It had also focused on good practices to combat trafficking in women and girls and had adopted a number of recommendations which would be included in the report of the Secretary-General to the Commission on the Status of Women at its forty-seventh session under the theme, "Women's human rights and elimination of all forms of violence against women".

14. The Director highlighted the three reports of the Secretary-General prepared by the Division, which had been submitted to the General Assembly at its fifty-seventh session. The reports dealt with issues of particular relevance to the Committee's work, which included violence against women, crimes against women

committed in the name of honour; and trafficking in women and girls. She stated that the General Assembly, in its annual resolution concerning the Convention, had recalled the high number of overdue reports, particularly initial reports, and had urged States parties to make every possible effort to submit their reports on the implementation of the Convention in a timely manner. The General Assembly had also expressed its satisfaction to the Committee for having successfully addressed the large number of reports awaiting consideration during its extraordinary session, in August 2002. Other resolutions dealt with issues of trafficking in women and girls; the situation of older women in society; working towards the elimination of crimes against women committed in the name of honour; and the elimination of all forms of violence against women, including crimes identified in the outcome document of the twenty-third special session of the General Assembly.

15. She indicated that the Division had also collaborated with the Inter-Parliamentary Union in the preparation of a handbook for parliamentarians on the Convention and its Optional Protocol. The handbook, which was expected to be published in the near future, aims at familiarizing parliamentarians with the Convention, what they could do to enhance compliance with the Convention and the use of the Optional Protocol.

16. In conclusion, the Director informed the Committee that, in his report on an agenda for further change presented to the General Assembly at its fifty-seventh session, the Secretary-General had placed particular emphasis on human rights, specifically on the treaty system and its reporting requirements. The Secretary-General had requested the United Nations High Commissioner for Human Rights to consult with the treaty bodies on new streamlined reporting procedures and to submit recommendations to him by September 2003. She indicated that the High Commissioner had subsequently written to all the chairpersons of treaty bodies on that matter.

C. Attendance

17. All members of the Committee attended the twenty-eighth session. Ms. Rosario Manalo attended from 20 to 31 January 2003; Ms. Náela Gabr from 13 to 23 January 2003 and Ms. Fatima Kwaku from 21 to 31 January 2003.

18. A list of the members of the Committee indicating the duration of their terms of office will appear in annex IV to the final report.

D. Solemn declaration

19. At the opening meeting of the twenty-eighth session of the Committee, the 589th meeting, before assuming their functions, the members elected at the twelfth meeting of States parties to the Convention on 29 August 2002, made the solemn declaration provided for under rule 15 of the Committee's rules of procedure. They were: Ms. Meriem Belmihoub-Zerdani, Mr. Cornelis Flinterman, Ms. Náela Gabr, Ms. Huguette Bokpe Gnacadja, Ms. Salma Khan, Ms. Akua Kuenyehia, Ms. Krisztina Morvai, Ms. Pramila Patten, Ms. Victoria Popescu, Ms. Fumiko Saiga and Ms. Dubravka Šimonovic. Ms. Rosario Manalo made the solemn declaration on 20 January 2003 upon her arrival at the session.

E. Election of officers

20. At its 589th meeting, on 13 January 2003, the Committee, in accordance with article 19 of the Convention, elected by acclamation the following officers to serve for a term of two years: Feride Acar (Turkey), Chairperson; Heisoo Shin (Republic of Korea), Yolanda Ferrer Gómez (Cuba), Victoria Popescu (Romania), Vice-Chairpersons; and Christina Kapalata (United Republic of Tanzania), Rapporteur.

F. Statement by the newly elected Chairperson

21. The newly elected Chairperson expressed her deep appreciation to the Committee for the confidence expressed in her. She welcomed the new members and expressed her gratitude and appreciation to those members whose terms had ended on 31 December 2002. She wished them well in their future responsibilities.

22. The Chairperson continued by emphasizing that the Committee's dialogues with States parties were often more than just discussions. They involved exchanges reflecting intellectual depth; political sophistication and cultural sensitivity but, most saliently, they reflected the Committee's grasp of pertinent issues, represented insightful analyses of existing patterns of gender discrimination and contained messages for the elimination of discrimination against women.

23. She stated that the Committee's work had not only provided policy guidelines for Governments, decision makers and implementers, but that it had evolved into a significant reference for academic work around the world. She stressed the Committee's influence in shaping a future world, free of discrimination against women.

24. The Chairperson pointed out that the Committee had come a long way since its establishment, from a position of relative marginality to one of centrality within the international human rights arena and the United Nations system itself. The work of all past and current Committee members, as well as those who provided the Committee with invaluable support services, clearly was at the foundation of that success. All past chairpersons had, through their dedication and hard work, provided the building blocks for the current structure.

25. The Chairperson noted the Committee's great satisfaction that the Optional Protocol, an instrument that would ensure more effective implementation of the Convention, had been a reality for more than two years. The Committee was pleased to have played a major role in the initiation of that instrument under the leadership of a former chairperson.

26. She expressed the wish to see more States acceding to, or ratifying, the Optional Protocol and mentioned that her country had ratified the Optional Protocol in October 2002.

27. Universal ratification of the Convention itself remained to date an unrealized dream. Non-ratifying States still existed in several regions, possibly because of material, financial or technical problems to which solutions could be sought with the Committee's involvement. She reiterated that creative means needed to be developed in order to achieve the desired result of universal ratification and that the Committee's efforts in that direction needed to be stepped up.

G. Adoption of the agenda and organization of work

28. The Committee considered the provisional agenda and organization of work (CEDAW/C/2003/I/1) at its 589th meeting. The agenda was adopted as follows:

1. Opening of the session.
2. Solemn declaration by the new members of the Committee.
3. Election of officers.
4. Adoption of the agenda and organization of work.
5. Report of the Chairperson on activities undertaken between the exceptional session and the twenty-eighth session of the Committee.
6. Consideration of the reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
7. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.
8. Ways and means of expediting the work of the Committee.
9. Provisional agenda for the twenty-ninth session.
10. Adoption of the report of the Committee on its twenty-eighth session.

H. Report of the pre-session working group

29. At its ninth session, the Committee decided to convene a pre-session working group for five days prior to each session to prepare lists of issues and questions relating to the periodic reports that would be considered by the Committee at the following session. The pre-sessional working group for the twenty-eighth session of the Committee met from 24 to 28 June 2002.

30. The following members, representing different regional groups, participated in the working group: Sjamsiah Achmad (Indonesia), Roselyn Hazelle (Saint Kitts and Nevis), Regina Tavares da Silva (Portugal) and Fatima Kwaku (Nigeria).

31. The working group prepared lists of issues and questions relating to the reports of the following States parties: Canada, El Salvador, Kenya, Luxembourg and Norway.

32. At the 589th meeting, Ms. Regina Tavares da Silva introduced the report of the pre-session working group on behalf of the Chairperson, whose term of office as Committee member had ended on 31 December 2002 (see CEDAW/PSWG/2003/I/CRP.1 and Add.1-5).

I. Organization of work

33. At its 589th meeting, the Committee decided to take up issues under agenda item 7 on the implementation of article 21 of the Convention, and agenda item 8, on ways and means of expediting the work of the Committee, as a working group of the whole.

Chapter III

Report of the Chairperson on the activities undertaken between the exceptional and twenty-eighth sessions

34. At the 589th meeting, the former Chairperson of the Committee, Ms. Charlotte Abaka, briefed the Committee on her attendance at the fifty-seventh session of the General Assembly. She stated that two of the three reports submitted by the Secretary-General on the implementation of articles 5, 6 and 12 of the Convention as well as the issue of trafficking in women and girls would be on the agenda of the upcoming session of the Commission on the Status of Women.

35. She said that her main task during the debate of the General Assembly had been to brief the Third Committee on the output of the Committee over the past year. She had received positive feedback from many delegates who took the floor referring to her statement and who commended the work of the Committee, particularly its revised working methods, which, as many had put it, made the constructive dialogue a very interesting one. The former Chairperson said that many delegates had welcomed the first ever informal meeting held by the Committee with States parties, during the twenty-seventh session, and had found the meeting very useful, particularly in respect of the implementation of article 18.

36. The former Chairperson also informed the Committee about a debate held subsequently to a panel on poverty alleviation. At the debate, she had referred to the feminization of poverty as being largely due to the denial of equal opportunities, equal rights and equal status to women and girls throughout their life cycle, as well as all forms of violence against them. She said that poverty alleviation programmes should address obstacles that impede the full enjoyment by women and girls of their rights under the Convention, including the implementation of article 4.1, especially in the allocation of funds and in education and training. She encouraged those countries that had not yet ratified the Convention to do so and States parties that had placed reservations incompatible with the spirit of the Convention to work towards withdrawing them.

37. The former Chairperson briefed the Committee on a meeting which she and the Director of the Division for the Advancement of Women had had with the Secretary-General on 9 October 2002.

38. She drew the Committee's attention to the report of the Secretary-General submitted to the General Assembly at its fifty-seventh session entitled "Strengthening of the United Nations: an agenda for further change" (A/57/387), which contained special provisions on human rights, particularly the international human rights treaty system, and a request that consideration be given to streamlining reporting procedures. She had also discussed that report with the Secretary-General and had briefed him on the first inter-committee meeting, held in June 2002, which she had chaired and which had encouraged the other five treaty bodies to address gender perspectives during their consideration of reports of States parties.

Chapter IV

Consideration of reports submitted by States parties under article 18 of the Convention

A. Introduction

39. At its twenty-eighth session, the Committee considered the reports of eight States parties submitted under article 18 of the Convention: the combined initial and second periodic reports of two States parties; the combined initial, second, third, fourth and fifth periodic report of one State party; the combined third and fourth periodic report of one State party; the combined third and fourth periodic report and the fifth and sixth periodic reports of one State party; the fourth periodic report of one State party; the fifth periodic report of one State party; and the fifth and sixth periodic reports of one State party.

40. The Committee prepared concluding comments on each of the States parties considered. The Committee's concluding comments, as prepared by members of the Committee, and a summary of the introductory presentations by the representatives of the States parties are provided below.

B. Consideration of reports of States parties

1. Combined initial and second periodic reports

Albania

41. The Committee considered the combined initial and second periodic report of Albania (CEDAW/C/ALB/1-2) at its 594th, 595th and 605th meetings, on 16 and 24 January 2003 (see CEDAW/C/SR.594, 595 and 605).

Introduction by the State party

42. In introducing the combined initial and second periodic report, the representative of Albania apologized for the delay in submitting the report but noted that the preparation of the report had helped the Government in analysing the situation of women in Albania in reference to the provisions of the Convention, in formulating new programmes and in revising existing policies. In describing the situation of the implementation of the Convention in her country, the representative said that gender disparities had increased in Albania owing to the country's transition to a market economy in 1991. Although men and women had equal rights in Albania and women had attained a high level of education, there was no equal access to resources, opportunities or benefits. The representative outlined the work accomplished thus far that had contributed to building gender-equality awareness and an equal partnership between the State and the women's movement in Albania, whose role had been very important for the advancement of women in the country.

43. The representative stressed that the Constitution of the Republic of Albania, adopted in 1998, consolidated the main rights and freedoms of human beings, in conformity with international legal instruments which guaranteed equal rights for men and women. According to article 18 of the Constitution, discrimination based on sex, religious affiliation or ethnic origin was prohibited. While the ratification of

the Convention in 1993 marked the starting point for integrating international legal standards into domestic law, current practice did not provide for mechanisms that would ensure that women had equal opportunities with men.

44. The representative indicated that the State committee on women and the family, currently named the Committee for Equal Opportunities, had been established in 1998 in order to provide institutional support for the promotion of women's interests, inter alia, implementing government policies on women's and family issues, coordinating and evaluating programmes, drafting proposals for new legislation and/or amendments to existing legislation on family and women's rights in accordance with international standards, and supporting the activities of non-governmental organizations (NGOs) in regard to women and the family.

45. The representative added that the State Committee for Equal Opportunities, as a key instrument for the promotion of the advancement of women within the Government, coordinated those efforts not only with sectoral ministries, administrative structures, local governments and NGOs but also with international organizations.

46. The representative pointed out that, despite efforts undertaken thus far by the Government, many obstacles remained, in particular the low representation of women in governance structures, which limited their contribution to shaping and managing the democratic development of the country. In fact, during the structural adjustment process, women, as the main employees in the social sector, lost more jobs than men, bringing the unemployment rate for women up to 20 per cent compared with an unemployment rate for men of 14 per cent.

47. The representative added that, given the fact that the majority of men had never taken their full share of domestic responsibilities, the closure of crèches and kindergartens and the abolition of other supportive social services had imposed a double burden on women's time, which limited their opportunities to struggle for the exercise of their existing rights.

48. The National Platform for the Advancement of Women in Albania, implemented by the State in partnership with women NGOs and the contribution of the donor community as an instrument for the implementation of the Beijing Platform for Action, had thus far contributed to the promotion of women's participation in decision-making, the establishment of microfinance programmes for rural women, advocacy for gender-related activities and awareness of women's rights in the country.

49. Certain challenges remained in establishing effective implementation and monitoring mechanisms that would ensure strategic planning, obtaining adequate financing for the activities of the Beijing Platform for Action and influencing societal attitudes that hindered the advancement of women.

50. Among the positive existing trends, the representative pointed out the revision of textbooks to incorporate a gender perspective, the efforts being made to establish a gender institute within the faculty of Sociology at Tirana University, the awareness among political parties of the need to increase women's participation in decision-making, including the introduction of a quota system in electoral law, and the importance of gender mainstreaming as a new strategy for achieving gender equality.

51. In concluding, the representative of Albania indicated that, despite the efforts made in implementing the Convention, the Government was conscious of the fact that much more needed to be done to enhance and promote the enjoyment of women's rights in practice. Therefore, the Government of Albania was committed to implementing the recommendations of the Committee as a useful guide towards further and better programmes for the advancement of women in Albania.

Concluding comments of the Committee

Introduction

52. The Committee commends the State party for its combined initial and second periodic report, which, although delayed, complies with the Committee's guidelines for the preparation of initial reports.

53. The Committee commends the State party for its delegation, which was headed by the Chairperson of the Committee for Equal Opportunities, and expresses appreciation for the open and frank presentation by the delegation, which provided additional information on the current situation of implementation of the Convention in Albania, and the responses given to the oral questions posed by members of the Committee.

54. The Committee notes with satisfaction that governmental action to implement the Convention, including the National Platform on Women's Advancement, is placed within the context of the implementation of the Beijing Platform for Action and the outcome document of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

Positive aspects

55. The Committee welcomes the fact that Albania acceded to the Convention in 1994 without reservations. The Committee commends the efforts of the State party to have the Convention translated into Albanian and disseminated.

56. The Committee welcomes the early establishment of a national machinery for the advancement of women and gender equality and the establishment of the Office of the People's Advocate (Ombudsman), which may investigate claims of violations of human rights, including women's rights, and make recommendations to redress the violations.

57. The Committee welcomes the efforts undertaken by the State party to improve the collection of data and statistics on women and the establishment of the Information and Documentation Centre as well as its cooperation with the national institute for statistics. It also welcomes the decision to implement specific employment programmes for women in the second half of 2003.

Principal areas of concern and recommendations

58. While noting with satisfaction that, in principle, the Convention is incorporated into Albanian law and thus has precedence over conflicting national laws in those provisions of the Convention which are deemed to be directly applicable, the Committee is nevertheless concerned about the lack of clarity regarding the direct applicability of the Convention in Albania.

59. **The Committee urges the State party to clarify the issue of the direct applicability of the Convention within the national legal order of Albania.**

60. While noting that the Constitution and a number of laws prohibit discrimination on the basis of sex, the Committee expresses concern that the State party has not undertaken a comprehensive review of laws to ensure conformity with the Convention and that some provisions discriminating against women may continue to exist.

61. **The Committee urges the State party to review all existing laws and amend remaining discriminatory provisions so that they become compatible with the Convention and the Committee's general recommendations. It encourages the speedy adoption of the Family Code under revision, including the provision for equality between women and men in the minimum age of marriage.**

62. The Committee is concerned that women have seldom used existing laws to challenge acts of discrimination and that there is no record of court decisions in which women have obtained redress for such acts.

63. **The Committee urges the State party to ensure that Albanian law provides adequate, accessible and affordable enforcement procedures and legal remedies for violation of women's human rights. The Committee invites the State party to provide, in its next report, information about complaints filed in courts on the basis of the Convention, as well as any court decisions that refer to the Convention.**

64. The Committee is concerned that there is a lack of familiarity with the Convention and the opportunities for its application and enforcement, including among the judiciary, law enforcement personnel, non-governmental human rights and women's organizations and women themselves.

65. **The Committee recommends the introduction of education and training programmes on the Convention, in particular for parliamentarians, the judiciary and law enforcement personnel. It recommends that awareness-raising campaigns targeted at women be undertaken so that women can avail themselves of procedures and remedies for violations of their rights under the Convention.**

66. While welcoming the efforts of the Committee for Equal Opportunities, the Committee expresses its concern that the national machinery for the advancement of women does not have sufficient visibility, power or financial and human resources to effectively promote the advancement of women and gender equality.

67. **The Committee recommends that the State party strengthen the existing national machinery in order to make it more effective by providing it with adequate visibility, power and human and financial resources at all levels and enhancing coordination among the existing mechanisms at the national and local levels for the advancement of women and the promotion of gender equality. It also recommends that gender mainstreaming in all ministries, policies and programmes be strengthened through gender training and the creation of focal points.**

68. The Committee is concerned about the persistence of entrenched traditional stereotypes regarding the role and responsibilities of women and men in the family

and in society at large. The Committee is also concerned about the resurgence of discriminatory customary law (kanun) and traditional codes of conduct in some northern areas of the country.

69. **The Committee urges the State party to implement measures to eliminate the practice of customary law and traditional codes of conduct discriminating against women. The Committee further urges the State party to design and implement comprehensive programmes in the educational system to ensure eradication of traditional sex role stereotypes in the family, in employment, in politics and in society. The Committee recommends that the State party encourage the mass media to promote cultural changes with regard to the roles and responsibilities attributed to women and men, as required by article 5 of the Convention.**

70. Recognizing the efforts made by the State party to address the issue of trafficking in women and girls, including the ratification of the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, the Committee remains concerned about the continuing prevalence of this problem in Albania, which has become a country of origin and transit for trafficked women and girls. It is concerned that victims of trafficking are subject to punishment under the Albanian Penal Code. It is also concerned that prostitutes, but not those who exploit prostitutes, are prosecuted and punished.

71. **The Committee recommends the formulation of a comprehensive strategy to combat trafficking in women and girls, which should include the prosecution and punishment of offenders. The Committee also encourages the State party to pursue increased international, regional and bilateral cooperation with other countries of origin, transit and destination for trafficked women and girls. It recommends the introduction of measures aimed at improving the economic situation of women so as to eliminate their vulnerability to traffickers, education initiatives for vulnerable groups, including teenage girls, and social support, rehabilitation and reintegration measures for women and girls who have been victims of trafficking. It calls on the State party to ensure that trafficked women and girls have the protection and support they need to enable them to provide testimony against their traffickers. It urges that training of border police and law enforcement officials provide them with the requisite skills to recognize and provide support for victims of trafficking. It recommends that the State party review existing legislation and take steps to ensure that victims of trafficking are not penalized and that all those who exploit prostitutes are punished and prosecuted. The Committee further urges the State party to make the issue of trafficking in women and girls a high priority and to include in its next report comprehensive information and data on the issue and on progress made.**

72. The Committee expresses concern about the high incidence of violence against women, including domestic violence. The Committee is concerned that the Albanian Penal Code does not distinguish between acts committed by a stranger and acts committed by a family member, and that no specific legislation has been enacted to combat domestic violence. It is concerned that there is a lack of systematic data collection on violence against women, in particular domestic violence.

73. **In the light of its general recommendation 19, the Committee urges the State party to place high priority on comprehensive measures to address violence against women in the family and in society, and to recognize that such violence, including domestic violence, constitutes a violation of the human rights of women under the Convention. The Committee calls upon the State party to adopt legislation on domestic violence and to ensure that violence against women is prosecuted and punished with the required seriousness and speed. Women victims of violence should have immediate means of redress and protection, including protection orders and access to legal aid. The Committee recommends that measures be taken to provide shelters for women victims of violence in sufficient numbers and to ensure that public officials, especially law enforcement officials, the judiciary, health-care providers and social workers, are fully sensitized to all forms of violence against women. The Committee recommends that the State party devise a structure for systematic data collection on violence against women, including domestic violence. The Committee invites the State party to undertake awareness-raising measures through the media and public education programmes to make such violence socially and morally unacceptable.**

74. The Committee is concerned about the higher unemployment rate among women than among men. The Committee is concerned that women are not able to receive adequate training and retraining to compete in the job market. The Committee is concerned about discrimination in hiring women, especially in the emerging private sector.

75. **The Committee urges the State party to ensure equal opportunities for women and men in the labour market through, inter alia, the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that the State party design and implement special training and retraining programmes for different groups of unemployed women. It also recommends that effective measures allowing for the reconciliation of family and professional responsibilities be strengthened and that the sharing of domestic and family responsibilities between women and men be promoted. The Committee requests the State party to provide in its next report more detailed information on the situation of women in the labour market, including women's occupations in the different sectors of the economy, their levels of authority and their wages.**

76. The Committee is concerned about the situation of rural women, as the majority of the female population, who are discriminated against in practice with respect to owning and inheriting property, and who are disadvantaged by poverty, poor infrastructures, lack of credit, and limited access to education, health-care services and social insurance. Noting the decrease in the school dropout rate of girls, the Committee remains concerned about this continuing problem. The Committee is also concerned that rural women are hardly represented in local government bodies.

77. **The Committee urges the State party to give full attention to the needs of rural women and to develop comprehensive policies and programmes aimed at their economic empowerment, ensuring their access to productive resources, capital and credit, as well as education, health-care services, social insurance and decision-making. The Committee requests the State party to undertake a study of the ownership and inheritance of land by rural women and of their**

general economic, educational and social situation, and to report the results in its next periodic report.

78. While welcoming the use of minimum targets for women candidates by some political parties in local elections, the Committee is concerned about the low representation of women in high-level elected and appointed bodies, including as members of Parliament, as high-ranking officials within the executive bodies of the Government, the judiciary and civil and diplomatic service, and within local government bodies.

79. **The Committee urges the State party to take measures, including improvements in the election law, to increase the representation of women in elected and appointed bodies through, inter alia, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, in order to realize women's right to participation in all areas of public life, particularly at high levels of decision-making. The Committee recommends that the State party increase its efforts in offering or supporting training programmes for current and future women leaders and carry out awareness-raising campaigns regarding the importance of women's participation in political decision-making.**

80. While welcoming the State party's collaboration with and recognition of the important role of non-governmental organizations working on women's issues, the Committee notes with concern the insufficient capacity and resources of these organizations, which makes it difficult for them to implement various projects and programmes in support of the human rights of women. The Committee is also concerned that the State party passes on its own responsibilities for protecting and fulfilling women's enjoyment of their human rights to non-governmental organizations and international donors.

81. **The Committee recommends that the State party strengthen its support for the work of women's non-governmental organizations and ensure that its obligations under the Convention are fully integrated into its overall governmental responsibilities and not carried out by non-governmental organizations alone.**

82. **The Committee urges the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

83. **The Committee encourages the State party to ratify the Optional Protocol to the Convention.**

84. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.**

85. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report to be submitted under article 18 of the Convention. It also requests that the report address the general recommendations of the Committee and provide information on the impact of legislation, policies and programmes designed to implement the Convention.

86. The Committee requests that the present concluding comments be widely disseminated in Albania in order to make the people of Albania, in particular government officials and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women and the further steps required in this regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

Switzerland

87. The Committee considered the combined initial and second periodic report of Switzerland (CEDAW/C/CHE/1-2 and Add.1) at its 590th, 591st and 596th meetings, on 14 and 17 January 2003 (see CEDAW/C/SR.590, 591 and 596).

Introduction by the State party

88. In introducing the report, the representative of Switzerland noted that, while her country had ratified the Convention in 1997, the process of compiling a comprehensive overview of the situation of women in Switzerland and collecting detailed information had taken longer than originally envisioned. That was why the report before the Committee was a combined one. She also stated that the report had been prepared with collaboration from the cantons, social partners and national NGOs and incorporated many of their proposals and views.

89. The representative explained that the Swiss political system was a federalist one composed of three levels: the Confederation, cantons and municipalities. While the Confederation was responsible for the application of federal and international law, the 26 cantons maintained their own political and judicial bodies, including parliaments and tribunals. Many of the areas dealt with in the Convention — for example, health — were within the purview of the cantons, but in other areas, such as education, parallel responsibilities were exercised by the Confederation and the cantons.

90. The revised Federal Constitution, which entered into force on 1 January 2000, confirms the guarantee of equality between men and women and, more specifically, the principle of equal pay for work of equal value, which had been enshrined since 1981 in the Constitution. The representative noted that jurisprudence indicates that the inclusion of that guarantee in the Constitution authorizes the legislature to impose temporary special measures to achieve equality between women and men, as provided for in article 4 of the Convention.

91. Among the structural measures taken by Switzerland towards achieving equality between women and men was the creation, in 1976, of the Federal Commission for Women's Affairs and, in 1988, of the Federal Office for Equality between Women and Men, with responsibility for the promotion of equality in all areas of life. Analogous institutions had been created in most cantons and in five major cities.

92. The National Plan of Action for Equality between Women and Men had been developed in consultation with NGOs and had been launched in 1999. Results of the plan included the creation at the federal level of a gender health service, a service to combat violence, particularly against women, and a service to combat trafficking in persons (including migrants). The representative added that, at the level of international cooperation, gender issues were systematically taken into consideration in the planning of programmes and projects. However, gender mainstreaming was not yet systematized in all activities at the federal level and more work had to be done in terms of awareness-raising, training and the development of new methodologies.

93. The representative gave examples of legislation reviewed and amended by Switzerland to achieve "formal" (de jure) equality between women and men. They included: the matrimonial law of 1988 (which recognized marriage as a partnership and the value of unpaid work); the new divorce law of 2000; the nationality law of 1992; the federal law of old age and survivors' benefits of 1997; and the equality law of 1996, which dealt with non-discrimination between women and men in the workplace. The representative noted, however, that no body had been created with the authority to initiate investigations or bring a complaint in matters of alleged discrimination under that law — the victim herself having to exercise her rights before the relevant tribunals. The representative also noted that complete de jure equality had not yet been achieved and that inequalities still existed in respect of family names and the choice of domicile, which, in general, were those of the husband.

94. With regard to the balancing of work and family responsibilities, the representative stated that differences in income and working hours between women and men were primarily a result of the difficulty women faced in managing both career and family, rather than as a result of differences in levels of training or qualification. Several measures had been employed to address the problem, including the provision of financial aid for projects aimed, inter alia, at assisting in the balancing of family and work life and at the reintegration of women into the workforce after an interruption for family reasons. Between 1996 and 2002, 400 applications for financial assistance had been made, 246 approved and approximately 22 million Swiss francs disbursed. Another initiative had been the "Fair play at home" campaign executed by the Federal Office for Equality and aimed at encouraging young parents to share household and family responsibilities equitably. No federal legislation had yet addressed the issue of paid maternity leave but a proposal of 14 weeks' leave at 80 per cent of pay would be debated by Parliament in the spring.

95. Other issues of concern to the Committee and the measures taken by Switzerland to address them were touched upon. They included the fact that women remained underrepresented in political life, but proposals for the imposition of quotas to ensure such representation had been rejected by the people at both the

federal and the cantonal levels. However, the Federal Commission for Women's Affairs had been involved in a number of initiatives, including the commissioning of a study on the coverage given to women and men candidates by Swiss radio and television during the 1999 federal elections, and the launching of a project that provided mentoring for young women by women politicians.

96. The Government was taking steps, including training for those who worked or dealt with victims and perpetrators, and public awareness-raising campaigns, to address problems related to violence against women and trafficking in women. However, the number of victims of trafficking in Switzerland (a country of destination) had not been determined. With regard to other women's health issues, the representative stated that, in June 2002, the revised penal code, which allows voluntary termination of a pregnancy in the first 12 weeks, had been approved after many years of debate on the issue. In conclusion, the representative noted that the Government had also been working on issues of women's sexual and reproductive health, the health of older women, social assistance for poor women and equality of opportunity for women in education and employment.

Concluding comments of the Committee

Introduction

97. The Committee expresses its appreciation to the State party for its combined initial and second periodic report, which, although delayed, complied with the Committee's guidelines for the preparation of initial reports, and was frank, informative and comprehensive.

98. The Committee commends the State party on its delegation, made up of representatives of different departments with responsibility for the implementation of the Convention as well as a representative of one of the cantons. It expresses appreciation to the State party for the oral presentation, which highlighted significant parts of the report, and for the written responses and further clarification to the questions orally posed by the Committee.

99. The Committee notes with satisfaction that the State party's policies in respect of the achievement of gender equality have been planned and evaluated in the context of the Beijing Platform for Action and the outcome document of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

100. The Committee notes that reservations have been made by the State party to article 7 (b) concerning Swiss military legislation prohibiting women from performing functions involving armed conflict, except in self-defence; article 16, paragraph 1 (g) concerning regulations on family name; and article 15, paragraph 2 and article 16, paragraph 1 (h) concerning interim provisions of the matrimonial regime. The Committee urges the State party to accelerate efforts to review the reservations regularly with a view to withdrawing them and to indicate in its next periodic report, if possible and if still relevant, a timetable for their withdrawal.

Positive aspects

101. The Committee commends the State party for including the principle of gender equality in its Federal Constitution, which explicitly mandates legislators to ensure

women's de jure and de facto equality, particularly in the areas of family, education and work, and authorizes legislators to take steps to ensure equality in line with article 4, paragraph 1, of the Convention. The Committee notes with appreciation that the Swiss legal order ensures the primacy of international treaties, including the Convention, in domestic law.

102. The Committee notes with appreciation the significant law reform undertaken in the State party in several areas in conformity with the Convention, particularly: the Marriage Law (1988), which replaced the husband's preponderant role in the family with a partnership based on equality of rights and obligations on the part of each spouse; the amended Federal Act on the acquisition and loss of Swiss nationality (1992), with identical conditions for both sexes; the new Equality Act (1996), prohibiting discrimination against women in labour relations, which applies to both public and private employers; the tenth revision of the Federal Act on old-age and survivors' insurance (1997), establishing a system of individual pensions independent of civil status; and the new Divorce Law (2000), regulating the economic consequences of divorce. The Committee also notes with appreciation the adoption of the National Plan of Action for Equality between Women and Men (1999) in order to further the advancement of women and gender equality.

103. The Committee acknowledges the work systematically undertaken by women's non-governmental organizations in raising awareness and mobilizing public opinion with regard to equality issues and appreciates the common efforts and cooperation between the State party and civil society in advancing the cause of equality in conformity with the National Plan of Action. The Committee commends the State party for its interaction with civil society in the preparation of the report and for the extensive publicity given to the report in Switzerland.

104. The Committee commends the State party for systematically integrating a gender dimension into the various aspects of its development cooperation programmes.

105. The Committee commends the State party for having accepted the amendment to article 20, paragraph 1, of the Convention on the Committee's meeting time.

Principal areas of concern and recommendations

106. The Committee notes with concern that, although the doctrine of monism is applied in the State party, the Federal Council has expressed the view that the Convention is largely programmatic and that its provisions are not, in principle, directly applicable. The Committee is therefore concerned that Swiss law may not provide women with the necessary means to enforce all their rights under the Convention.

107. **The Committee recommends that the State party ensure effective enforcement of the rights enshrined in the Convention and provide women with appropriate remedies in the courts for violations of the rights protected by the Convention. It also recommends awareness-raising campaigns about the Convention aimed at parliamentarians, the judiciary and legal professionals. The Committee requests that the State party report on progress made in this regard in its next periodic report and provide information on whether the Convention has been invoked before domestic courts.**

108. The Committee is concerned that there is no definition in domestic law of "discrimination against women" reflecting article 1 of the Convention. It is concerned at the information given in the report that differentiated treatment of women and men is permissible in cases where equality of treatment is ruled out by biological or "functional" differences.

109. **The Committee recommends that the State party take steps to include in its legislation a provision for non-discrimination on the grounds of sex, as defined in article 1 of the Convention.**

110. The Committee is concerned that the different levels of authority and competencies in the State party create difficulties in respect of the implementation of the Convention throughout the Confederation and with regard to coordination and accountability. The Committee is also concerned that the federal structure and the form of grass-roots democracy practised in the State party have slowed progress in eliminating discrimination against women and achieving gender equality.

111. **The Committee recommends to the State party that it ensure uniformity of results in the implementation of the Convention within the Confederation, through effective coordination and the establishment of a mechanism to monitor compliance with the provisions of the Convention at all levels and in all areas.**

112. While appreciating the work undertaken by the machinery for gender equality at the national, cantonal and communal levels, namely the Federal Commission of Women's Issues, the Federal Office for Equality between Women and Men and the Gender Equality delegates and services, the Committee is concerned that such institutions may lack sufficient power, visibility and resources, both human and financial, to carry out their specific tasks and to ensure coordination of gender-mainstreaming efforts in all areas of governance.

113. **The Committee recommends that the State party strengthen the existing machinery for gender equality by providing it with adequate human and financial resources at all levels. It also recommends that the State party enhance coordination among the existing institutions for the advancement of women and the promotion of gender equality in order to ensure gender mainstreaming at all levels and in all areas.**

114. The Committee is concerned about the persistence of entrenched, traditional stereotypes regarding the role and responsibilities of women and men in the family and in society at large which are reflected in women's educational choices, their situation in the labour market and low participation in political and public life.

115. **The Committee urges the State party to design and implement comprehensive programmes in the educational system, including human rights education and gender training, and to disseminate information on the Convention, with a view to changing existing stereotypical attitudes on women and men's roles, including advancing the notion of parenting as a social responsibility of both mothers and fathers. It recommends that awareness-raising campaigns be addressed to both women and men and that the media be encouraged to project a positive image of women and of the equal status and responsibilities of women and men in the private and public spheres.**

116. While recognizing current legal and other efforts by the State party to address violence against women, including the creation of a gender health service and a centre to fight violence against women and the training of staff called upon to deal with cases of violence, the Committee is concerned about the prevalence of violence against women and girls, including domestic violence.

117. **The Committee calls upon the State party to intensify its efforts to address the issue of violence against women, including domestic violence, as an infringement of their human rights. In particular, the Committee urges the State party to adopt laws and implement policies in accordance with the Committee's general recommendation 19, in order to prevent violence, provide protection, support and services to the victims and punish and rehabilitate offenders.**

118. The Committee is deeply concerned by the significant number of cases of female genital mutilation among migrant women of African descent.

119. **The Committee recommends that the State party urgently take all appropriate measures, including legislation, to eradicate the harmful traditional practice of female genital mutilation.**

120. The Committee is concerned about the particular situation of foreign women who experience domestic violence and whose residence permits depend on their living together with their spouse. The Committee is concerned that fear of expulsion will be a deterrent for these women to seek assistance or take steps to seek separation or divorce.

121. **The Committee recommends that revocation of the temporary residence permits of foreign married women who experience domestic violence, and any legislative changes with regard to residency requirements that may be under consideration, be undertaken only after a full assessment of the impact of such measures on those women.**

122. The Committee expresses concern at the situation of migrant women in Switzerland, particularly the discrimination in education and employment they experience and the risk of exploitation and violence that they face. The Committee is concerned that foreign women sometimes encounter additional difficulties in obtaining access to heath care and that the percentage of women with HIV/AIDS is increasing among foreign women, those from sub-Saharan Africa being the most affected. The Committee is also concerned about the special visa regulations for foreign cabaret dancers and the potential dangers and risks that their situation may entail. The Committee is further concerned that the State party has yet to carry out studies on the extent of discrimination against migrant women and the multiple discrimination they often face on the basis of their race, sex, ethnicity and religious affiliation.

123. **The Committee urges the State party to take effective measures to eliminate discrimination against migrant women. It encourages the State party to be proactive in its measures to prevent discrimination against them, both within their communities and in society at large, to combat violence against them and to increase their awareness of the availability of social services and legal remedies. The Committee recommends that foreign women's health needs, in particular as regards information on preventing HIV infection, be fully addressed. The Committee requests the State party to review and reconsider**

the special visa regulations for cabaret dancers and to study their de facto situation in the light of the potential dangers and risks that their situation may entail. It also requests the State party to take appropriate measures to protect the women concerned from all forms of exploitation and to take action aimed at changing men's and society's perception of women as sex objects. The Committee also urges the State party to conduct regular and comprehensive studies on discrimination against migrant women and to collect statistics on their situation in employment, education and health and on the various forms of violence they experience so as to enable the Committee to form a clear picture of their de facto situation.

124. While recognizing the efforts made by the State party to address the issue of trafficking in women and girls, the Committee remains concerned about the prevalence of this grave problem, which is a human rights violation. The Committee is also concerned about the exploitation of prostitutes in the State party. It considers that measures to address these phenomena are insufficient and that information on these issues is lacking.

125. **The Committee urges the State party to continue its efforts to combat trafficking in women and girls. It recommends the formulation of a comprehensive strategy, which should include measures of prevention, the prosecution and punishment of offenders and increased international, regional and bilateral cooperation. It calls on the State party to ensure that trafficked women and girls have the support they need, including residence permits, so that they can provide testimony against their traffickers. It further urges that training of border police and law enforcement officials be pursued so as to enable them to render support to victims of trafficking. The Committee recommends the development of programmes of action for women forced into prostitution by poverty and the adoption of all appropriate measures to combat and eradicate the exploitation of prostitution, including the prosecution of, and strong penalties for, those who exploit prostitutes. The Committee requests the State party to provide in its next report comprehensive information and data on the trafficking of women and girls and the exploitation of prostitutes.**

126. The Committee is concerned that, while women make up 54 per cent of the electorate, they are significantly underrepresented in elected and appointed posts in political decision-making bodies. While acknowledging some positive developments, the Committee is also concerned at women's low rate of participation in the administration, the judiciary and the diplomatic service as well as their low representation at the international level. The Committee is further concerned that, while regional, linguistic and other quotas are generally accepted, the adoption of quotas in political life that would aim at gender balance has been systematically rejected in the State party.

127. **The Committee encourages the State party to take sustained measures to increase the representation of women in elected and appointed bodies, including temporary special measures in accordance with article 4, paragraph 1, of the Convention, in order to realize women's right to equal participation in public and political life. The Committee also recommends that adequate measures be taken with the aim of achieving balanced participation of women and men in the various areas and levels of public life, particularly in the administration, the judiciary and the diplomatic service.**

128. The Committee is concerned that, despite the constitutional mandate to ensure gender equality in the field of education, gender inequality prevails in the stereotyped choices both sexes make regarding vocational training and higher education, particularly technical education. The Committee is also concerned that similar patterns can be found among teaching staff, both as regards their professional level and the traditional subjects they teach.

129. **The Committee recommends that the State party intensify its efforts to encourage diversification of the educational choices of boys and girls, mainly through counselling, to help them to fully develop their personal potential.**

130. The Committee is concerned that, although women's rate of participation has been steadily rising and notwithstanding the constitutional mandate to establish gender equality in work and the constitutional provisions on the right to equal pay for work of equal value, as well as the Equality Act, women remain disadvantaged in the labour market. The Committee is particularly concerned at the pay differentiation between women and men and some criteria used to justify it, particularly as regards considerations of a social nature, such as family responsibilities. The Committee is further concerned by the high prevalence of women in part-time work, the higher rate of unemployment among women as compared with men, and the difficulties mainly faced by women in reconciling their personal and family lives with professional and public responsibilities.

131. **The Committee urges the State party to ensure de facto equal opportunities for women and men in the labour market through, inter alia, the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that efforts be made to eliminate occupational segregation, both horizontal and vertical, through, inter alia, education, training and retraining, and effective enforcement mechanisms. It also recommends that job evaluation systems based on gender-sensitive criteria be developed with the aim of closing the existing wage gap between women and men. The Committee recommends that measures allowing for the reconciliation of family and professional responsibilities be adopted and implemented and that equal sharing of domestic and family tasks between women and men be promoted.**

132. The Committee expresses concern over the delay in introducing paid maternity leave in the State party and notes that several proposals to introduce paid maternity leave have been rejected by popular vote.

133. **The Committee calls upon the State party to ensure the speedy enactment of the draft legislation on maternity leave with pay that was adopted by the Federal Council and the National Council in November and December 2002 and to provide information on its implementation in the next periodic report. The Committee recommends the undertaking of awareness-raising campaigns for developing a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children. Such campaigns should also stress the role of men and pave the way for a debate on the issue of paternity and parental leave as important factors in the sharing of family responsibilities and guaranteeing equality for women in the labour market and in social life.**

134. The Committee is deeply concerned that, in spite of the high level of development of the State party, there are groups of women, mainly those who are single heads of household and elderly women, who have been particularly affected by poverty.

135. **The Committee recommends that the State party closely monitor the poverty situation of women in the most vulnerable groups and implement effective measures and training programmes that will allow them to fully enjoy the benefits of the State party's development.**

136. The Committee is concerned that, under Swiss law, the status of spouses is still unequal as regards cantonal and communal domicile rights. It notes that attempts to abolish that inequality were defeated in Parliament in June 2001.

137. **The Committee calls upon the State party to ensure that the legislation that regulates cantonal and communal domicile rights is brought into harmony with the Convention.**

138. **The Committee urges the State party to ratify the Optional Protocol to the Convention.**

139. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.**

140. **The Committee urges the State party to respond in its next periodic report to the specific issues raised in the present concluding comments. The Committee also urges the State party to collect and analyse comprehensive sex-disaggregated data pertaining to the Confederation, the cantons and the communes and to include such data in its next report.**

141. **The Committee requests that the text of the present concluding comments be widely disseminated in Switzerland in all official languages so as to inform the public, in particular administrators, officials and politicians, of the measures taken to guarantee de jure and de facto equality between men and women and of the supplementary measures to be adopted in that area. The Committee also urges the State party to continue to give broad publicity to the Convention, its Optional Protocol, the general recommendations of the Committee, the Beijing Declaration and Platform for Action, and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century", which was held in June 2000, particularly among women's associations and human rights organizations.**

2. Combined initial, second, third, fourth and fifth periodic report

Congo

142. The Committee considered the combined initial, second, third, fourth and fifth periodic report of the Congo (CEDAW/C/COG/1-5 and Add.1) at its 606th and 607th meetings, on 27 and 29 January 2003 (see CEDAW/C/SR.606 and 607).

Introduction by the State party

143. In introducing the report, the representative of the Congo stated that, since the ratification of the Convention in 1982, much had been accomplished in respect of the advancement of women, although economic constraints and the social and political conflicts that had been affecting the country since 1993 had placed women in a vulnerable situation. The present Government's policy had made it possible to re-establish confidence and trust in the minds of Congolese women.

144. The representative informed the Committee that officials in the Department for the Advancement of Women, representatives of the administration, non-governmental organizations, associations and individuals had been involved in the drafting of the report, which had been presented to the public and adopted by the Government. The Government adhered to the principles of the Beijing Platform for Action and the Dakar Plan of Action to ensure the effective advancement of women and girls. Women's rights, violence against women, poverty eradication, health and environment were identified as priority areas in the Government's policy for the advancement of women and its action plan adopted in 1999.

145. The legal system remained dualistic. Customary law existed alongside modern law and, thanks to the efforts of the Government, provisions were in place to ensure the effective application of the latter. The country had known various political regimes and now had a multiparty system. The new Constitution of 20 January 2002 upheld the tradition of the country's earlier constitutions in clearly recognizing equality between men and women in all areas of life. All citizens were equal before the law and any discrimination based on origin, social or material circumstances, racial, ethnic or departmental affiliation, gender, education, language, religion, philosophy or place of residence was prohibited. Furthermore, the law provided for women's representation in all political, elective and administrative functions.

146. The Congo had ratified several international human rights treaties and recognized the primacy of international public law. Although, in principle, gender equality was ensured, some de jure and de facto discrimination still existed. For example, under the Family Code, men were heads of the family and decided on the choice of the conjugal domicile in case of disagreement between the spouses. Furthermore, husbands could prohibit their wives from performing certain jobs in the interest of the family. There had been progress, but inequality persisted in matters of retrograde taboos and customs, such as widow rites and levirate.

147. The representative indicated that there had been an evolution in the national machinery for the advancement of women. The Secretariat of State within the Ministry of Agriculture, Rearing, Fisheries and the Advancement of Women was responsible for the advancement of women and the integration of women into development. Focal points had been set up within various departmental offices, adding a gender dimension to the public administration. The ministerial department

responsible for women's issues, set up in 1992, had worked very closely with some 450 non-governmental organizations and associations. A number of activities had been carried out, including the holding of a general conference on women in 2001, which enabled some 1,000 Congolese women of all political affiliations and from all regions to examine their commonalities and their political, economic and sociocultural concerns. Another achievement was the creation of a centre for research, information and documentation on women, called "The House of Women".

148. Stereotyping was a source of concern to both the Government and non-governmental organizations which endeavoured to empower women and make them aware of their rights. Sexist stereotypes existed within the family, in the media and in the workplace. Certain stereotyping could also be seen in school textbooks that tended to reproduce the sexual division of work. The female illiteracy rate was very high. Women often fell victim to sexual harassment, and the media, which was male-dominated, sometimes broadcast negative images of women.

149. Women were assured equal access to high-level posts under the Constitution and electoral law. The representative indicated that there had been an increasing number of women candidates in various elections as a result of awareness-raising campaigns. Of the 1,205 women participating in legislative, senatorial and local elections, 89 women had been elected. Women made up 9.3 per cent of the National Assembly and 15 per cent of the Senate and their percentage at the local level stood at 8.55 per cent. There were no women ambassadors. However, there were five women in the new Government team. While equality between women and men was provided for in legislation in the areas of access to employment, promotion and pay, women generally held middle-level jobs because of the inadequacy of their qualifications. Women's share in agricultural labour, such as food production, traditional processing of agricultural products and marketing of products, was high.

150. The representative informed the Committee that, according to Congolese legislation, women had the right to keep their nationality upon marriage and in cases where their husbands changed nationality. Legislation gave girls and boys equal access to education, and public schooling was free and mandatory until the age of 16. The proportion of girls in primary schools was almost equal to that of boys. The attendance of girls in secondary schools was low because of poverty and early pregnancies. Girls generally did not enrol in technical institutions. At the level of higher education, girls represented 18.6 per cent of students at Marien Ngouabi University. Their share in scientific courses was low, with 11 per cent enrolled in natural sciences, 18 per cent in economics and 21 per cent in medicine.

151. The representative said that an awareness-raising campaign had been launched covering reproductive health, including sexual health, family planning, HIV/AIDS and sexually transmitted infections. The National Health Development Plan, Act No. 14-92 of 29 April 1992, served as the framework for the national policy in the field of health, with women and children occupying a privileged place. The maternal mortality came to 890 per 100,000 live births and the fertility index stood at 6.3 children per woman. The prevalence of contraception was about 3 per cent. Legislation dating from 1920 prohibited abortion and propaganda relating to contraception. Therefore, deaths were caused by clandestine abortions. A bill was being discussed in Parliament to repeal that legislation on abortion.

152. Women suffered from various forms of violence, including domestic violence, but they did not dare to complain. The Government, non-governmental associations

and institutions, such as the International Relief Committee, the Red Cross, the Congolese Association for Family Well-being, the Association of Women Lawyers of Congo, and Women of Hope, had carried out awareness-raising campaigns and assisted in providing material, legal, medical and psychological services. The Government had also set up six health centres run by psychologists, sociologists, doctors and midwives for victims of sexual violence.

153. In concluding, the representative stated that the situation of women in the Congo had improved markedly. The activities of the Department for the Advancement of Women, carried out in partnership with various civil society groups, including non-governmental organizations, were continuing to bear fruit. Women in the country were becoming increasingly mobilized and aware. Nonetheless, much still remained to be done.

Concluding comments of the Committee

Introduction

154. The Committee commends the State party for its combined initial, second, third, fourth and fifth periodic report, which, although long overdue, was in accordance with the Committee's guidelines for the preparation of reports. It also commends the State party for the oral presentation made by the delegation and its written replies to questions posed by the Committee that sought to clarify the current situation of women in the Congo, and provided additional information on the implementation of the Convention.

155. The Committee appreciates the frank responses provided by the delegation to its questions and the constructive dialogue that took place between the delegation and the members of the Committee.

Positive aspects

156. The Committee commends the State party for having initiated a three-year plan of action for the advancement of women and for initiating the review and reform of domestic legislation that is discriminatory to women.

157. The Committee is also pleased to note the involvement of non-governmental organizations and civil society in the preparation of the combined initial, second, third, fourth and fifth periodic report.

Principal areas of concern and recommendations

158. The Committee expresses concern that, while article 8 of the Constitution guarantees equality between women and men, no specific definition of discrimination has been incorporated into domestic legislation.

159. **The Committee recommends that a definition of discrimination against women in line with that set out in article 1 of the Convention be incorporated into the domestic legislation of the Congo.**

160. The Committee expresses concern at the continued existence of legal pluralism with discriminatory components and obsolete provisions in customary law and statutory law, the latter including criminal law regarding adultery; the labour and

taxation laws; and family law, particularly with regard to the difference in ages at which women and men may enter into marriage.

161. **The Committee urges the State party to accelerate the process of law reform in order to bring its laws into conformity with the provisions of the Convention and with the principle of equality between women and men enshrined in its Constitution.**

162. While noting the various programmes and policies being initiated by the institutional machinery for the advancement of women, the Committee expresses concern that no information has been provided on the impact of these measures on women in the Congo.

163. **The Committee requests the State party to provide detailed information regarding the impact on women in the Congo of measures taken for the advancement of women in its next periodic report to be submitted under article 18 of the Convention.**

164. The Committee notes with concern the continued persistence of stereotypical attitudes in respect of the role and responsibilities of women and men that undermine women's human rights.

165. **The Committee urges the State party to increase its efforts to address stereotypical attitudes about the roles and responsibilities of women and men that perpetuate direct and indirect discrimination against women and girls. These should include educational measures at all levels, beginning at an early age; the revision of school textbooks and curricula; and awareness-raising campaigns directed at both women and men — designed, where relevant, with the involvement of the media and civil society, including non-governmental organizations — to address stereotypes regarding the role of women and men with a view to combating discrimination against women. The Committee also calls upon the State party to periodically review the measures taken in order to identify shortcomings and to adjust and improve those measures accordingly, and to report thereon to the Committee in its next report.**

166. The Committee expresses concern about the high incidence of violence against women and the apparent lack of clear policies and programmes to address this violation of women's human rights. It is particularly concerned about domestic violence, rape, including marital rape; sexual harassment in the workplace and in institutions of learning; and other forms of sexual abuse of women.

167. **The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls in accordance with its general recommendation 19 on violence against women. The Committee calls on the State party to enact or review, as appropriate, legislation on domestic violence, including marital rape, and legislation concerning all forms of sexual harassment as soon as possible in order to ensure that violence against women and girls constitutes a criminal offence, that women and girls who are victims of violence or sexual harassment have access to immediate means of redress and protection and that perpetrators are prosecuted and punished. The Committee recommends gender-sensitive training for parliamentarians, the judiciary and public officials, particularly law enforcement personnel, and health service providers. It also recommends the establishment of counselling services for victims of**

violence and sexual harassment; the implementation of public awareness campaigns through the media and public education programmes; and the adoption of a zero-tolerance policy on all forms of violence against women.

168. While noting a slight increase in the number of women elected to parliament, the Committee expresses concern that the number of women in decision-making positions remains low in politics, the judiciary and the civil service. The Committee is particularly concerned at the absence of women in decision-making positions in the foreign service.

169. **The Committee recommends that the State party take measures to increase the number of women in decision-making positions in all spheres. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention, to strengthen and accelerate its efforts to promote and elect women to positions of power, supported by special training programmes and awareness-raising campaigns aimed at underlining the importance of women's participation in decision-making at all levels.**

170. The Committee is concerned at the low rate of female literacy, the low number of girls who complete primary education in both the urban and rural areas, and the high drop-out rate of girls due to, inter alia, pregnancies and early marriage.

171. **The Committee urges the State party to strengthen its efforts to improve the literacy level of girls and women to ensure equal access of girls and women to all levels of education and to take all appropriate measures to prevent girls from dropping out of school. The Committee further urges the State party to encourage an increase in the enrolment of girls at all levels and recommends that such efforts include further use of temporary special measures, in accordance with article 4, paragraph 1, of the Convention.**

172. The Committee is concerned that there is unequal access to the labour market and that women are confined to work in agriculture and the informal sectors, which are related to low incomes and wages. The Committee is further concerned at the lack of social benefits and a regulatory framework to protect women's human rights within these sectors.

173. **The Committee urges the State party to take all possible measures to ensure that women have access to the labour market on an equal basis with men. The Committee recommends that the State party take measures to provide a regulatory framework for the informal sector.**

174. The Committee notes with concern the existence of very high maternal and infant mortality rates in the Congo. The Committee is further concerned at the low contraceptive prevalence rate among women and men and the lack of access of women to adequate pre-natal and post-natal care and family planning information, particularly in rural areas.

175. **The Committee recommends that the State party make every effort to raise awareness of and increase access to health-care facilities and medical assistance by trained personnel, particularly in rural areas and particularly in the areas of post-natal care. The Committee further recommends the speedy review and amendment of the Act of 31 July 1920, which prohibits the advertising of contraceptives, thereby limiting women's access to family planning.**

176. The Committee expresses concern that the State party has not developed a strategic plan to address the issue of HIV/AIDS as it affects women, nor has it taken measures for the care of women and girls infected with and affected by HIV/AIDS.

177. **The Committee urges the State party to take comprehensive measures to combat the HIV/AIDS pandemic, to take strong preventive measures and to ensure that women and girls infected with HIV/AIDS are not discriminated against and are given appropriate assistance.**

178. The Committee expresses concern about the situation of rural women, particularly in view of their extreme poverty and lack of access to health, education, credit facilities and community services.

179. **The Committee urges the State party to pay special attention to the needs of rural women, ensuring that they participate in decision-making and have full access to education, health services and credit facilities. The Committee also urges the State party to take appropriate measures, including review of legislation, in order to eliminate all forms of discrimination with respect to ownership, co-sharing and inheritance of land.**

180. The Committee expresses concern at the continued existence of the practice of polygamy in the Congo, which is discriminatory to women. The Committee wishes to draw the State party's attention to the Committee's general recommendation number 21, paragraph 14, which states:

> "... polygamous marriage contravenes a woman's right to equality with men, and can have such serious emotional and financial consequences for her and her dependants that such marriages ought to be discouraged and prohibited. The Committee notes with concern that some States parties, whose constitutions guarantee equal rights, permit polygamous marriage in accordance with personal or customary law. This violates the constitutional rights of women, and breaches the provisions of article 5 (a) of the Convention."

181. **The Committee recommends action without delay by the State party to bring marriage laws, particularly as they relate to polygamy, into compliance with the Constitution and the Convention.**

182. The Committee expresses concern about the continued existence of discriminatory family laws and traditional practices, including those related to dowries and adultery. The Committee is particularly concerned about the practice of pre-marriage in view of the fact that Congolese law, while recognizing the practice, does not stipulate a minimum age for pre-marriage partners.

183. **While noting the State party's willingness to abolish pre-marriage, the Committee recommends, as an interim measure, that the minimum age for pre-marriage be brought in line with the legal age for marriage and that all measures be taken to ensure that women in both pre-marriage and marriage enjoy equal rights within and upon dissolution of the union. It also urges the introduction without delay of measures to eliminate negative customs and traditional practices which affect women's full enjoyment of their human rights. The Committee recommends that discriminatory family laws be phased out and that a clear time frame be established for achieving this.**

184. Noting the State party's commitment to adhering to the periodicity of submission of periodic reports, and taking into consideration the fact that the sixth periodic report of the Congo will be due in July 2003, the Committee recommends that the State party combine its sixth and seventh periodic reports for submission in 2007. This would allow the State party to adhere to the periodicity of reports thereafter.

185. The Committee requests that specific information be included in the next periodic report on measures taken to implement the decisions of the Fourth World Conference on Women and, in particular, the twenty-third special session of the General Assembly, especially with regard to the 2005 target for the elimination of all laws that are discriminatory to women.

186. The Committee urges the State party to accelerate its efforts to ratify the Optional Protocol to the Convention and to accept the amendment to article 20, paragraph 1, of the Convention.

187. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.

188. The Committee requests the State party to respond to the concerns and recommendations expressed in the present concluding comments in its next periodic report to be submitted under article 18 of the Convention and to take into account the Committee's general recommendations in legislation, policies and programmes.

189. The Committee requests the wide dissemination in the Congo of the present concluding comments in order to make the people of the Congo, in particular government administrators and politicians, aware of the steps that have been taken or are intended to be taken to ensure the de jure and de facto equality of women. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".

3. Combined third and fourth periodic report

Kenya

190. The Committee considered the combined third and fourth periodic report of Kenya (CEDAW/C/KEN/3-4) at its 592nd and 593rd meetings, on 15 January 2003 (see CEDAW/C/SR.592 and 593).

Introduction by the State party

191. In introducing the report, the representative of Kenya expressed the commitment of her Government to ensure that gender equality was promoted as a necessary precondition for national development. She noted that measures had been taken to remove social, cultural and legal obstacles for women through various efforts. As a first step, the National Machinery for the Advancement of Women had been elevated from a division within a department to a full department within the new Ministry of Gender, Sports, Culture and Social Services.

192. The representative also stated that the Standing Committee on Human Rights, established in 1996, had been transformed into the Kenya National Commission on Human Rights in 2002. The main function of the Commission was to investigate violations of human rights on its own initiative or upon a complaint by a person or group of persons. The Commission would ensure that the Government complied with its obligations under international treaties and conventions on human rights.

193. The representative informed the Committee that a draft constitution had been published on 27 September 2002. The draft was regarded as a milestone for the women of Kenya because it sought to eliminate existing discriminatory practices against women. The representative pointed out that section 34 of the draft constitution expanded the definition of discrimination to include race, sex, pregnancy, marital status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, language and birth and required that injustices against women be addressed through legislative or other means. Measures had been taken to ensure that a new Constitution was in place by June 2003.

194. The representative also indicated that deliberate attempts had been made to improve, among other things, women's representation in the judiciary, the diplomatic service and the administration. In the civil service, the number of women appointed to decision-making positions had increased. In the recently concluded national elections, the number of women elected to Parliament had also increased. Out of those, three had been appointed to the Cabinet as ministers in the Office of the Vice-President, the Ministry of Water Resources Management and Development and the Ministry of Health, respectively. Out of the 12 slots for nominated members of Parliament, the current Parliament had nominated 8 highly qualified professional women. There were currently 17 women parliamentarians, the highest number in the history of Kenya.

195. The Government had implemented a policy of free and compulsory primary education, which would, among others, address gender disparities and ensure that more girls are enrolled and complete primary school.

196. The representative recognized that poverty needed to be reduced in order to achieve sustainable economic growth. In that context, a Poverty Reduction Strategy Paper had been prepared in 2001. She noted that the paper was a short-term strategy that sought to implement the National Poverty Eradication Plan in a series of three-year rolling plans. A gender thematic group had been formed specifically to make the document gender-sensitive.

197. HIV/AIDS had become a major threat to social and economic development, and the representative pledged her Government's commitment to intensifying the HIV/AIDS campaign. She indicated that major priority actions in combating the spread of the pandemic included publication and enactment of the HIV and AIDS

Prevention and Control bill of 2002, developing a comprehensive HIV/AIDS research and control programme based on partnerships with stakeholders, and access to affordable anti-retroviral drugs.

198. In concluding, the representative informed the Committee that laws would be implemented and enacted to give effect to the empowerment of women. They included the Equality bill of 2001 and the National Commission on Gender and Development bill of 2002. The Government would ensure acceleration of the implementation of the Poverty Reduction Strategy Paper and mainstreaming of gender in all sectors of development. Ratification of the Optional Protocol to the Convention was under consideration and a decision to that effect would be communicated in due course.

Concluding comments of the Committee

Introduction

199. The Committee commends the State party for its large delegation, headed by the Permanent Secretary in the Ministry of Gender, Sports, Culture and Social Services, and expresses appreciation for the written replies to the questions of the Committee's pre-session working group and for the oral presentation, which provided additional information on the implementation of the Convention and the current situation of women in Kenya.

200. The Committee commends the State party for formulating a five-year Plan of Action based on all the 12 critical areas of concern of the Beijing Platform for Action.

201. The Committee commends the State party for its declared political will and efforts to improve the status of women in Kenya. The Committee appreciates the frankness and openness of the delegation's dialogue with members of the Committee.

Positive aspects

202. The Committee welcomes the draft constitution which will come into force by June 2003, as it addresses issues of the reform of existing discriminatory laws.

203. The Committee welcomes the transformation of the Standing Committee on Human Rights into the Kenya National Commission on Human Rights, and commends the State party for elevating the National Machinery for the Advancement of Women, giving it more autonomy within the new Ministry of Gender, Sports, Culture and Social Services.

204. The Committee is pleased to note that consultations were held with representatives of different ministries and civil society, including non-governmental organizations, in the preparation of the combined third and fourth periodic report.

Principal areas of concern and recommendations

205. Although the draft constitution, once enacted, should provide for the applicability of international conventions ratified by the State party in domestic courts of law, the Committee is concerned that the Convention on the Elimination of

All Forms of Discrimination against Women has not yet been incorporated into domestic law and its provisions have not been invoked before the courts.

206. **The Committee recommends that the State party incorporate the provisions of the Convention on the Elimination of All Forms of Discrimination against Women into domestic law without delay and requests the State party to ensure that the provisions of the Convention are fully reflected in the constitution and in all legislation.**

207. The Committee is concerned that legislative provisions as well as customary laws and practices that discriminate against women in areas such as marriage, divorce, burial and devolution of property on death continue to exist. The Committee is further concerned at the continued existence of multiple laws governing marriage and divorce.

208. **The Committee recommends that the State party take appropriate action to eliminate all discriminatory laws, practices and traditions and to ensure women's equality with men particularly in marriage and divorce, burial and devolution of property upon death in accordance with the provisions of the Convention. In this regard, the Committee recommends speedy enactment of the relevant bills, including the Domestic violence (family protection) bill of 2002; the Equality bill of 2001; the National Commission on Gender and Development bill of 2002; the Criminal law amendment bill of 2002; the HIV/AIDS Prevention and Control bill of 2002; and the Public Offices Code of Ethics bill of 2002. The Committee also recommends that the State party's relevant ministries continue working with civil society, including non-governmental organizations, in order to create an enabling environment for legal reform, effective law enforcement and legal literacy.**

209. The Committee expresses concern about the persistence of cultural practices and stereotypical attitudes with respect to the role and responsibilities of women that undermine their rights.

210. **The Committee requests the State party to increase its efforts to create awareness in society about the need to change stereotypical attitudes and discriminatory behaviour towards women and girls through, inter alia, specific programmes directed at both women and men in this regard. The Committee further encourages the media to project a positive image of women and to promote the equal status of women and men in both the public and private spheres. It also calls upon the State party to periodically review the measures taken in order to identify shortcomings and to adjust and improve those measures accordingly.**

211. The Committee expresses concern at the continued prevalence of violence against women. It is particularly concerned about domestic violence, sexual harassment in the workplace and in institutions of learning, and other forms of sexual abuse of women.

212. **The Committee urges the State party to accord priority attention to the adoption of comprehensive measures to address violence against women and girls, taking into account its general recommendation 19 on violence against women. The Committee calls on the State party to enact or review, as appropriate, legislation on all forms of violence against women, including domestic violence, as well as legislation concerning all forms of sexual**

harassment, in order to ensure that women and girls who are victims of violence and sexual harassment have access to protection and effective redress and that perpetrators of such acts are prosecuted and punished. The Committee also recommends gender-sensitive training for public officials, particularly law enforcement personnel, the judiciary and health services providers. It also recommends the establishment of shelters and counselling services for victims of violence and sexual harassment.

213. The Committee notes with concern that, despite the prohibition of female genital mutilation by the State party, the practice persists and is widely accepted in the country.

214. **The Committee recommends that the State party develop a plan of action, including a public-awareness campaign, targeted at both women and men, with the support of civil society, including non-governmental organizations, to eliminate the practice of female genital mutilation and encourages the State party to create an enabling environment for effective law enforcement and to devise programmes for alternate sources of income for those who perform female genital mutilation as a means of livelihood.**

215. While recognizing an increase in the number of women recently appointed to key decision-making positions, the Committee expresses concern that this number remains low in parliament, the judiciary and the diplomatic and civil service.

216. **The Committee recommends that the State party take measures to increase the number of women in decision-making positions. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention, to strengthen its efforts to promote and elect women to positions of power, supported by special training programmes and awareness-raising campaigns, taking into account the Committee's general recommendation 23.**

217. The Committee expresses concern at the discriminatory nature of Kenyan laws relating to citizenship and nationality.

218. **The Committee urges the State party to reconcile Kenyan citizenship laws with the provisions of the draft constitution and article 9 of the Convention in order to eliminate all provisions that discriminate against women in the area of citizenship and nationality. It requests the State party to report on the implementation of these measures in its next periodic report.**

219. The Committee expresses concern that, despite the laws and sanctions in place, prostitution continues to thrive, particularly in urban areas. The Committee is particularly concerned about the lack of information on the extent of the exploitation of prostitution and the lack of measures to combat this, including the lack of adequate penalties for those who exploit prostitutes.

220. **The Committee requests the State party to study the phenomenon of prostitution and to take appropriate measures to combat the exploitation of prostitution in urban areas. It recommends that a holistic approach be pursued in order to facilitate the reintegration of prostitutes into Kenyan society and urges the State party to provide rehabilitation and other programmes to women exploited in prostitution. It also recommends prosecution and punishment for those who profit from the sexual exploitation of women and girls.**

221. While noting the State party's commitment to combating the spread of HIV/AIDS and the reduction in infection rates from 14 per cent to 10.2 per cent in 2002, the Committee is concerned at the lack of sex-disaggregated data on HIV/AIDS and the absence of strategic measures for the care of women and girls infected with and affected by HIV/AIDS.

222. **The Committee urges the State party to take comprehensive measures to combat the HIV/AIDS pandemic, to take strong preventive measures and to ensure that women and girls infected with HIV/AIDS are not discriminated against and are given appropriate assistance. The Committee also emphasizes that the collection of reliable data on HIV/AIDS is critical in order to understand the impact of the pandemic on women and men.**

223. Despite the State party's National Policy on Gender and Development to implement existing land and inheritance laws concerning women's rights in rural areas, the Committee is concerned that discriminatory customs and traditional practices remain prevalent in rural areas, thus preventing women from inheriting or acquiring ownership of land.

224. **The Committee urges the State party to pay special attention to the needs of rural women, ensuring that they participate in decision-making and have full access to education, health services and credit and marketing facilities. The Committee also urges the State party to take appropriate measures to eliminate all forms of discrimination with respect to ownership, co-sharing and inheritance of land.**

225. The Committee is concerned that the National Commission on Gender and Development is lacking the means to effectively coordinate among the different mechanisms related to gender; and that the lack of a clear division of responsibilities and insufficient budget allocations may have a negative bearing on the effective implementation of the Convention.

226. **The Committee recommends that the State party clearly define the mandate and responsibilities of the different mechanisms related to the advancement of women and gender equality and allocate sufficient budgetary resources to them.**

227. **The Committee urges the State party to accelerate its efforts to ratify the Optional Protocol to the Convention and to accept the amendment to article 20, paragraph 1, of the Convention.**

228. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.**

229. **The Committee requests the State party to respond to the concerns and recommendations expressed in the present concluding comments in its next**

periodic report to be submitted under article 18 of the Convention; and to take into account the Committee's general recommendations in legislation, policies and programmes.

230. **The Committee requests the wide dissemination in Kenya of the present concluding comments in order to make the people of Kenya, in particular government administrators and politicians, aware of the steps that have been taken or are intended to be taken to ensure the de jure and de facto equality of women. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention, its Optional Protocol, the Committee's general recommendations and the Beijing Declaration and Platform for Action, as well as the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

4. Combined third and fourth periodic report, fifth and sixth periodic reports

El Salvador

231. The Committee considered the combined third and fourth periodic report and fifth and sixth periodic reports of El Salvador (CEDAW/C/SLV/3-4, CEDAW/C/SLV/5 and CEDAW/C/SLV/6) at its 599th and 600th meetings, on 21 January 2003 (see CEDAW/C/SR.599 and 600).

Introduction of the reports by the State party

232. In introducing the reports, the representative of El Salvador informed the Committee about the major events that had taken place in her country since the submission of the previous report in 1988, most notably the signing of the Peace Agreements and the terrible natural disasters that had devastated the country in 1998 and 2001.

233. The representative stressed the inter-institutional and multidisciplinary nature of the delegation sent to introduce the reports, which demonstrated the importance that her country attached to the Convention.

234. The representative noted that since the ratification of the Convention in 1981, significant efforts had been made with regard to the advancement of women. Particularly noteworthy in that regard was the creation in 1996 of the Salvadoran Institute for the Advancement of Women, the government entity which oversees the implementation of the National Policy on Women by the various public authorities. A National Policy on Women had been formulated through a public consultation process that had been both technical and participatory in nature, and the policy had in turn served as the basis for the initial Plan of Action 1997-1999, which focused on 10 areas: legislation, education, health, civic and political participation, the family, the workplace, domestic violence, agriculture, fisheries and food, the mass media and culture, and the environment. More recently, El Salvador had launched a new Plan of Action 2000-2004, which mainstreamed a gender perspective in all public actions. In 2000, the Institute's Inter-institutional Legal Commission had been set up to bring domestic legislation into line with the international treaties ratified by El Salvador and to propose the necessary reforms to the Governing Board for corresponding legislative action.

235. The representative emphasized the great importance attached by her Government to women's participation in national political life and to women's access to political decision-making. Although there had been an increase in Salvadoran women's participation in national political life, the representative said that there were still barriers to their full participation, the reasons being a political system that was influenced by culture and tradition and by a political party system that had only recently begun to open up to direct participation and leadership by women.

236. The representative highlighted the advances achieved in the area of education, with an overall reduction in the illiteracy rate, especially in rural areas. Even though there was no discrimination in girls' access to the educational system, the female drop-out rate continued to be a matter of concern for the Salvadoran Government. Special attention had been paid to the issue of teenage pregnancy, and pregnant teenagers would no longer be expelled from school. Indicators had been developed to include the school drop-out problem and teenage pregnancy in national research on fertility. Since 1999, El Salvador had been promoting women's access to non-traditional careers through a vocational guidance programme with a gender focus and had been breaking down the barriers that prevented women from entering non-traditional careers.

237. The representative told the Committee that a programme had been launched, involving various strategies, to include the issues of gender equality, human rights, mental health, violence prevention, sex education and reproductive health in the education system. The programme was the result of cooperation between the private sector, churches, the mass media and the educational community. Similarly, youth programmes had been developed which provided information on issues such as sexuality, HIV/AIDS prevention and prevention of domestic violence.

238. With regard to health, the representative informed the Committee that in 1999 a process of health-sector reform and modernization of the Ministry of Health had begun, focusing primarily on reproductive health from a gender perspective. The reform had been structured to extend beyond health centres to include the family, workplace and the educational sector. Since June 2002, preventive health services for women had been provided free of charge. One of the most notable results of those measures had been the decline in maternal mortality.

239. Special attention had been given to the employment situation of women working in the *maquila* sector. Special offices had been set up in free zones or special tax areas to mediate between employers and women workers, as well as units for monitoring and analysing labour relations. The main aim of the National Policy on Women, under its women and the workplace component, was to achieve equal opportunity in women's labour market participation by eliminating all inequalities, such as the gender wage gap and women's unequal access to positions offering greater power and higher salaries. In that regard, it was important to mention the formulation of a National Occupational Safety Policy, which was designed to integrate public and private efforts to promote a culture of workplace accident prevention that would guarantee the right to decent, safe working conditions while boosting productivity. Mention should also be made of El Salvador's National Policy Law and Regulations on Equal Opportunities for Persons with Disabilities, designed to benefit women with disabilities, and its National Policy, Law and Regulations for the Comprehensive Care of Older Persons, designed to combat age-based discrimination, especially against women.

240. The representative drew attention to the entry into force in 1994 of the Family Code, which introduced such innovations as voluntary family property regimes that guaranteed equality, recognition of the value of housework, repeal of the obligation for a woman to take her husband's domicile and incorporation of non-discriminatory grounds for divorce.

241. New laws had also been introduced to prevent and deal with cases of domestic violence and some existing legislation, such as the Labour Code, the Health Code, the Penal Code and the Code of Criminal Procedure, had been amended accordingly. The representative noted that a National Plan on Domestic Violence had been adopted in 2002, with the aim of preventing such violence through information campaigns and providing services to victims.

Concluding comments of the Committee

Introduction

242. The Committee welcomes the El Salvador delegation, headed by the Director-General of Foreign Policy, which through the inclusion of representatives of various institutions and disciplines has provided a broad overview of the progress made and the obstacles that remain to the achievement of gender equality in the country.

243. The Committee expresses appreciation to the State party for the considerable amount of information contained in its combined third and fourth and fifth and sixth periodic reports, which follow the guidelines for the preparation of reports, and for its responses to the list of issues and questions prepared by the pre-session working group, which provide additional information on the situation of women in El Salvador. The Committee is also grateful for the delegation's detailed oral responses, which permitted a constructive dialogue with the Committee.

244. The Committee takes note that the State party's National Policy on Women falls within the framework of the commitments made at the Fourth World Conference on Women, as well as the launching of the respective 1997-1999 and 2000-2004 Plans of Action, which mainstream a gender perspective into all their programmes.

245. The Committee recognizes and regrets that the State party has had to face severe natural disasters, such as Hurricane Mitch in 1998 and two consecutive earthquakes in 2001, which have resulted in the postponement of the implementation of programmes and plans aimed at the advancement of women.

Positive aspects

246. The Committee welcomes the creation in 1996 of the Salvadoran Institute for the Advancement of Women as the government body which coordinates and oversees the implementation of the National Policy on Women.

247. The Committee congratulates the State party on its efforts to implement the Convention through the reform of existing legislation, including the Family Code, from which all pre-existing discriminatory legislation has been removed, the Domestic Violence Act, the Labour Code, the Health Code, the Penal Code, the Code of Criminal Procedure and the General and Higher Education Act., The Committee also commends the State party on the creation in 2002 of the Inter-institutional Legal Commission within the Salvadoran Institute for the Advancement

of Women, ISDEMU, charged with bringing domestic legislation into line with relevant international treaties ratified by El Salvador and with proposing necessary amendments.

248. The Committee welcomes the inclusion of gender issues at all levels of the educational system, as well as the incorporation of teaching materials in such programmes and activities.

Principal areas of concern and recommendations

249. The Committee is concerned that, although legislative reforms have been introduced in many spheres, such laws and policies have yet to be effectively implemented. The Committee is also concerned that the Constitution of El Salvador does not include a specific prohibition against sex-based discrimination or the definition of discrimination contained in the Convention and that El Salvador's legislation provides for equality in the exercise of civil and political rights but makes no mention of economic, social and cultural rights. The Committee is likewise concerned that only "serious" discrimination is punished by the Penal Code and that the Agrarian Code still contains discriminatory concepts.

250. **The Committee encourages the State party to incorporate fully into its legislation the principle of non-discrimination set forth in the Convention, in order to progress towards de jure equality as an essential prerequisite for achieving de facto equality of women. The Committee also recommends that concepts that are not in keeping with the provisions of the Convention be amended or abolished, with a view to protecting and guaranteeing women's human rights.**

251. The Committee is concerned at the weakening of efforts to provide training in, raise awareness of and disseminate the Convention.

252. **The Committee recommends that the State party implement broad-based dissemination, training and awareness-raising programmes to familiarize the whole population with the Convention. Such programmes should be aimed at society in general, and Salvadoran women and the judiciary in particular.**

253. Although the Committee welcomes the establishment of the Salvadoran Institute for the Advancement of Women as the government entity which oversees the implementation of the National Policy on Women, it is concerned at the fact that the Institute has neither the lead and normative role that it should have, nor the political, institutional and budgetary capacity to define, implement, monitor and guarantee a comprehensive policy for the elimination of discrimination against women to be executed effectively by the various sectors of government. The Committee further expresses its concern that there are insufficient active linkages between the Institute and women's organizations representing civil society.

254. **The Committee encourages the State party to continue to strengthen the role of the Salvadoran Institute for the Advancement of Women as a lead and normative body by giving it an adequate budget and the requisite authority among State institutions to ensure the effective mainstreaming of a gender perspective and the promotion of gender equality. The Committee also recommends that the Institute establish, in practice, greater cooperation and joint work with women's organizations of civil society.**

255. The Committee notes with concern that, while the Constitution refers to the principle of equality, the terms "equality" and "equity" are used as synonyms in plans and programmes.

256. **The Committee urges the State party to note that the terms "equity" and "equality" are neither synonymous nor interchangeable and that the Convention is intended to eliminate discrimination against women and to ensure equality between women and men.**

257. While the Committee welcomes the effort made by the State party to combat domestic violence through the recent establishment of a National Plan on Domestic Violence, it views with concern the persistence of violence against women in El Salvador. The Committee is also concerned about the legal consequences of conciliation between aggressor and victim in the pre-trial phase, which could work to the detriment of the latter.

258. **The Committee urges the State party, taking into account General Recommendation 19 on violence against women, to undertake practical measures to follow up and monitor the application of legislation, evaluating its effectiveness and making the appropriate adjustments, in particular so as to ensure that the legal consequences of conciliation provided for by law do not work to the detriment of the victim.**

259. The Committee observes with concern the lack of necessary sex education programmes and their dissemination and the resulting impact on the high rate of teenage pregnancy, in particular in rural areas, and on the increase in the spread of sexually transmitted diseases and HIV/AIDS. The Committee is concerned at the obstacles that women face in gaining access to adequate health-care services, including those for the prevention of cancer.

260. **The Committee recommends to the State party that it adopt measures to guarantee and expand access to health-care services, paying special attention to the implementation of programmes and policies for disseminating and raising awareness of sex education, particularly among adolescents, including information on contraceptives and their availability in society as a whole, taking into account that family planning is the responsibility of the couple and placing special emphasis on preventing and combating sexually transmitted diseases and HIV/AIDS.**

261. The Committee is concerned at the high level of poverty among women, especially rural and indigenous women.

262. **The Committee urges the State party to develop a poverty eradication strategy that gives priority attention to rural and indigenous women through the allocation of budgetary resources, and to take appropriate measures to inform itself about their situation with a view to formulating effective specific programmes and policies to improve their socio-economic situation and ensure that they receive the services and support they need.**

263. Although the overall illiteracy rate has declined, the Committee is concerned that the problem persists, especially in rural areas. It is also concerned at the high drop-out rates among girls, especially in rural and indigenous areas.

264. **The Committee recommends that efforts to address this problem should be intensified, through sustainable plans and programmes, particularly in rural and indigenous areas.**

265. The Committee is concerned at the persistence of traditional stereotypes relating to the roles and responsibilities of men and women in the family and in society at large.

266. **The Committee recommends that policies be developed and programmes directed at men and women be implemented that will help to ensure the elimination of stereotypes associated with traditional roles in the family, the workplace, politics and society.**

267. The Committee is concerned at the lack of priority given to women in employment policy, which could result in their increased vulnerability in the economic adjustment process taking place in the country, in particular, the insufficient measures taken to enable them to reconcile their family and professional responsibilities and the persistence of wage disparities for work of equal value.

268. **The Committee recommends that the necessary measures should be taken to ensure compliance with the provisions of article 11 of the Convention and of the relevant International Labour Organization conventions ratified by El Salvador.**

269. The Committee notes with particular concern the precarious employment conditions of women working in maquila industries, where their human rights are frequently violated, especially insofar as safety and health are concerned.

270. **The Committee urges the State party strictly to enforce labour legislation in maquila industries, including their supervision and monitoring, especially occupational safety and health measures, and requests that information on this matter be included in its next report.**

271. Although there is legislation on trafficking and mention is made of a bill on the exploitation of children, the Committee notes with concern the problem of exploitation of prostitutes and trafficking and sale of women and girls and the lack of studies, analyses and gender-disaggregated statistics on its incidence.

272. **The Committee urges the State party to take measures to combat the phenomenon of trafficking and sale of women and girls and exploitation of prostitutes and to evaluate this phenomenon and compile systematic sex-disaggregated data on it with a view to formulating a broad strategy to address this problem and punish perpetrators.**

273. The Committee is concerned at women's low level of participation in politics and in high-level posts in all areas.

274. **The Committee recommends the adoption of strategies to achieve an increase in the number of women who participate in decision-making at all levels, including the application of temporary special measures in accordance with article 4 of the Convention, and the strengthening of activities to promote women to leadership posts in both the public and private sectors through special training programmes and awareness-raising campaigns on the importance of women's participation in the political life of the country.**

275. The Committee observes a lack of gender-disaggregated data in the reports, as well as insufficient information on indigenous women.

276. **The Committee recommends the comprehensive and exhaustive compilation of sex-disaggregated data and urges the State party to include relevant statistics that show the evolution and impact of programmes on the country's female population, particularly indigenous women, and to include the data in its next periodic report.**

277. **The Committee urges the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1 of the Convention, concerning the meeting time of the Committee.**

278. **The Committee requests the State party to respond to the specific issues raised in these concluding comments in its next periodic report pursuant to article 18 of the Convention.**

279. **Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (twenty-first special session), the special session of the General Assembly on children (twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to provide information on the implementation of those aspects of the above documents relating to relevant articles of the Convention in its next periodic report.**

280. **The Committee requests that these concluding comments be disseminated widely in the State party in order to make the people of El Salvador, particularly public officials and politicians, aware of the measures taken to guarantee de jure and de facto equality of women and such other measures as are necessary to that end. It also requests the State party to continue to disseminate widely, particularly among women's and human rights organizations, the Convention and its Optional Protocol, the general recommendations of the Committee, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

5. Fourth periodic report

Luxembourg

281. The Committee considered the fourth periodic report of Luxembourg (CEDAW/C/LUX/4) at its 601st and 602nd meetings, on 22 January 2003 (see CEDAW/C/SR.601 and 602).

Introduction by the State party

282. In introducing the fourth periodic report, the representative of Luxembourg informed the Committee about the State party's follow-up to the Committee's recommendations after the presentation of the third periodic report in June 2000.

The recommendations had been provided to Ministers, Members of Parliament and non-governmental organizations focusing on women's issues and many positive actions had been taken. Recommendations of the Committee had also been included in the Beijing+5 national plan of action, which had been prepared by the Inter-ministerial Committee on the Equality between Women and Men. It was within that particular framework that the State party reaffirmed its commitment to integrate a gender perspective in all policies and programmes.

283. The representative stated that a bill to approve the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women had been submitted to the lower chamber of Parliament in 2001 and ratification of the Optional Protocol was expected shortly. Two reservations to the Convention were being considered for withdrawal, namely the reservation to article 7 on succession to the Crown and to article 16, relating to the transmission of the family name to children. She indicated, in that regard, that article 11.2 of the Constitution on the principle of equality between women and men was still being reviewed, since agreement had not been reached on all the provisions of that article, but was optimistic that the text would be adopted in 2004.

284. The representative informed the Committee of the adoption of a law against sexual harassment on 26 May 2000. She acknowledged that despite the law, sexual harassment persisted, especially in the workplace, and that practical measures had been initiated to curb that practice. For example, an information booklet on the law on sexual harassment was being provided to employers and awareness-raising campaigns on the matter had been undertaken. Moreover, a bill on domestic violence had been adopted on 17 May 2001, by which women would no longer be forced to leave the family home and the perpetrators of violence would no longer be able to stay. The representative indicated that emphasis had been placed on public awareness-raising campaigns on domestic violence and a number of shelters for victims had been opened. Measures had also been taken to sensitize law enforcement officers. The bill on domestic violence specifically required that a module on domestic violence be integrated into the initial training of police personnel at the Police Academy. After entry into force of the bill, the police would also be required to collect statistics on domestic violence.

285. With regard to migration, the representative noted that the number of asylum-seekers had been considerable and amounted to some 1,000 per year. To deal with that issue, Luxembourg provided a legal framework for asylum requests. Once a request had been made it was reviewed by the Ministry of Justice. The duration of the asylum procedure varied from six months to three years. The asylum-seekers received social benefits, including housing, shelter, meals, pocket money, health care, free transportation and language training. Pregnant women, in particular, were given housing in the best possible areas near health-care facilities.

286. The representative said that trafficking in human beings and sexual exploitation were akin to slavery, referring to globalization as a root cause for its increase. She suggested that investing in the economic development of poor countries to ensure political and economic stability could reduce such trafficking. Luxembourg had invested 0.7 per cent of its gross domestic product in overseas development assistance and many of its development projects aimed at giving women a certain amount of economic security that would make them less vulnerable to traffickers.

287. The representative reported that the number of women in the workplace was increasing. Measures to integrate young women and to bring women back to the workplace had been made part of the National Plan for Employment. Low-income parents paid less for childcare and a number of municipalities had expanded their own day-care centres outside school hours. Sixty out of 118 municipalities currently had the required infrastructures to deal with children at the pre-school and elementary school levels. Professional guidance and training courses were being organized to help women re-enter the workplace.

288. The representative informed the Committee that, in order to reduce the wage gap between women and men, a project entitled "Equal pay, a democratic and legal challenge" had been put in place in January 2002. Social partners, employers and trade unions had adopted action plans to fight the wage gap. A study carried out on wage inequality, however, showed that a 28 per cent salary gap still existed between women and men.

289. In concluding, the representative reaffirmed her country's commitment to integrate a gender perspective in all policies and programmes and to continue to promote positive actions and temporary special measures to establish de facto equality between women and men in all areas where discrimination persisted. She also affirmed the State party's commitment to the elimination of all forms of discrimination against women.

Concluding comments of the Committee

Introduction

290. The Committee expresses appreciation to the State party for its fourth periodic report, which complies with the Committee's guidelines for the preparation of periodic reports. It commends the State party for its interaction with non-governmental organizations in the preparation of the report. The Committee also expresses its appreciation for the information given in response to the issues raised by the pre-session working group and during the oral presentation.

291. The Committee commends the State party for its high-level delegation headed by the Minister for the Advancement of Women and is pleased that a representative of a non-governmental organization was included in the delegation. The Committee appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

292. The Committee welcomes the fact that the State party has initiated the process to ratify the Optional Protocol to the Convention and to accept the amendment to article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

293. The Committee notes that governmental action is placed within the context of the implementation of the Beijing Platform for Action.

Positive aspects

294. The Committee commends the State party for its wide dissemination of the Convention and the concluding comments of the Committee issued following the consideration of the third periodic report.

295. The Committee commends the State party for adopting new laws in support of the goal of gender equality: the law on pensions, which plays a key role in preventing poverty among older people, particularly women; the law with respect to the burden of proof in cases of discrimination on the basis of sex; the law concerning protection for workers who are pregnant, have recently given birth or are breastfeeding; and the law on protection from sexual harassment in the workforce.

296. The Committee welcomes the increase in women's participation in the workforce.

297. The Committee welcomes the support for enterprises that have adopted special measures to increase women's participation in the workforce, including the obligation to negotiate equality plans and create equality delegates in private enterprises.

298. The Committee welcomes the fact that the number of men taking parental leave has increased, indicating a heightened awareness of shared parental responsibility.

299. The Committee commends the State party for the integration of gender perspectives in its development cooperation projects.

Principal areas of concern and recommendations

300. While welcoming the positive developments with regard to the ongoing process of amending the Constitution in order to integrate the principle of equality between women and men and to allow for the withdrawal of the reservation to the Convention with regard to article 7 as well as the draft law related to the withdrawal of the reservation to article 16 of the Convention, the Committee remains concerned that these processes have not yet been concluded.

301. **The Committee calls upon the State party to accelerate the process of revising the Constitution to integrate the principle of equality between women and men and to withdraw the reservation to article 7 of the Convention, and to adopt the draft law which will allow for the withdrawal of the reservation to article 16 of the Convention.**

302. The Committee expresses concern that there is no definition of discrimination on the basis of sex as stipulated in article 1 of the Convention within the legal framework of the State party despite the State party's commitment to promote equality between women and men.

303. **The Committee calls upon the State party to make the necessary legislative changes to integrate the concept of discrimination on the basis of sex within its legal framework with a view to eliminating such discrimination.**

304. While noting that the State party's gender policy appears to be formulated primarily in the framework of the Beijing Platform for Action and the European Union provisions, the Committee is concerned that the Convention has not been given central importance as a legally binding human rights instrument and basis for the elimination of all forms of discrimination against women and the advancement of women.

305. **The Committee urges the State party to place emphasis on the Convention as a legally binding human rights instrument and to view the Platform for Action as a programmatic policy framework in its efforts to achieve the goals of**

equality. It also urges the State party to take proactive measures to raise awareness about the Convention, in particular among parliamentarians, the judiciary and the legal profession.

306. With regard to combating domestic violence, the Committee welcomes the bill that has been presented to the Chamber of Deputies, but is concerned that adoption of the bill has been delayed.

307. **The Committee encourages the State party to take all necessary measures to adopt the law on domestic violence in conformity with the Committee's General Recommendation 19 to prevent violence, punish and rehabilitate offenders and provide services for victims.**

308. While noting the efforts undertaken to eliminate stereotypical attitudes towards the roles of women and men in the family and all sectors of society, the Committee is concerned about the persistence of stereotypical attitudes towards women, which threaten to impede women's enjoyment of their rights.

309. **The Committee calls upon the State party to take additional measures to eliminate stereotypical attitudes about the roles and responsibilities of women and men, including through awareness-raising and educational campaigns directed at both women and men and at the media. It also calls upon the State party to assess the impact of such measures in order to identify shortcomings and to adjust and improve such measures accordingly.**

310. The Committee notes that little progress has been made to increase women's role in decision-making in all sectors.

311. **The Committee calls upon the State party to develop further measures to increase women's role in decision-making in all sectors, including through awareness-raising campaigns targeted at women and men and the use of special measures in accordance with article 4, paragraph 1, of the Convention, with the goal to accelerate de facto equality between women and men. It also recommends that such measures be monitored and evaluated.**

312. The Committee notes with concern that the State party has not developed comprehensive policies to combat trafficking in women and girls.

313. **The Committee recommends that the State party develop comprehensive policies and programmes to combat trafficking in women and girls, including measures to prevent trafficking in women and girls, the collection of data, the provision of services for trafficked women and girls and measures to penalize those who are involved in such trafficking.**

314. The Committee is concerned about ongoing discrepancies in salaries and wages between women and men for work of equal value.

315. **The Committee urges the State party to develop policies and adopt proactive measures to accelerate the eradication of pay discrimination against women, including through job evaluations, collection of data, further study of the underlying causes of the wage gap and provision of increased assistance for social partners in collective bargaining, in particular in determining wage structures in sectors dominated by women. It requests the State party to provide more information in the next periodic report on its efforts to eradicate the wage gap.**

316. The Committee, while recognizing the adoption of a wide range of gender equality policies, particularly in relation to employment issues, is concerned that a certain number of those policies have yet to be implemented or evaluated.

317. **The Committee urges the State party to implement all policies that have been formulated and to make an assessment of the measures already implemented with a view to future improvements.**

318. The Committee reiterates its concern expressed after considering the third periodic report with regard to the law on the waiting period of 300 days before a widow or divorced woman can remarry.

319. **The Committee urges the State party to take measures to amend that discriminatory legislation without delay.**

320. The Committee is concerned about the lack of information in the fourth periodic report with regard to a number of issues as well as the lack of statistical data disaggregated by sex in certain areas.

321. **The Committee requests that the State party provide more information in the next periodic report in the following areas: measures taken to promote women's health, particularly with regard to the prevention of HIV/AIDS; measures taken in support of older women and of disabled women; and statistical data, particularly with regard to violence against women, including domestic violence and trafficking in women.**

322. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention.**

323. **Taking into account the gender dimension of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.**

324. **The Committee requests the wide dissemination in Luxembourg of the present concluding comments in order to make the people of Luxembourg, in particular administrators and politicians, aware of the steps that have been taken to ensure the de jure and de facto equality of women and of the further steps that are required in that regard. It requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".**

6. Fifth periodic report

Canada

325. The Committee considered the fifth periodic report of Canada (CEDAW/C/CAN/5 and Add.1) at its 603rd and 604th meetings, on 23 January 2003 (see CEDAW/C/SR.603 and 604).

Introduction by the State party

326. In introducing her country's fifth periodic report, the representative of Canada highlighted the importance Canada placed on eliminating gender discrimination and reported that the overall economic situation of women in Canada had continued to improve steadily, with women's relative earnings increasing from 52 per cent of men's in 1986 to 63 per cent in 1997. Women had made tremendous strides in education, making inroads into traditionally male-dominated professions and the large majority of women of all ages considered themselves to be in good health.

327. The representative of Canada said that women over the past century had become increasingly involved in the full range of social and economic aspects of life, most notably becoming a major and integral part of the paid labour force. The majority of women continued to be employed in predominantly female occupations, but the number was slowly declining. Their overall economic situation continued to improve steadily and their total earnings as a percentage of men's had increased. There was still a distinct division of labour between the sexes, in particular women with young children were spending more of their time on unpaid work.

328. The representative of Canada indicated that factors such as age, race, ethnicity, immigrant status and aboriginal heritage had significant effects on women's economic status. Aboriginal women were concentrated disproportionately in lower-skill and lower-paying occupations, and had lower rates of employment in the wage economy than aboriginal men or non-aboriginal women. Poverty among some groups of women in Canada was far too high but poverty, in general, had been declining since 1997.

329. The representative explained that the Federal Plan for Gender Equality, with its key long-term goal of undertaking gender-based analysis of policies and programmes across Government, came into effect in 1995 at a time when the Budget Act focused on expenditure reductions to ensure fiscal responsibility. However, the economic situation had improved since then and the Government had endorsed a dual approach to gender equality that combined both the integration of a gender perspective in government processes and the development of policies and programmes that were gender-specific, thus also providing a more systematic approach to address gender discrimination. In 2000 the Government adopted a new Agenda for Gender Equality. The Agenda was a multi-year strategy, with new funding spread over a five-year period. It was designed to engender current and new policy and programme initiatives, accelerate the implementation of gender-based analysis, enhance voluntary sector capacity, engage Canadians in the policy process and meet Canada's international commitments.

330. The representative provided a few examples to demonstrate that progress had been made in the past few years in process and results. The new Immigration and Refugee Protection Act promoted the mainstreaming of gender analysis through its

requirements that gender impacts be reported annually in the federal immigration department's report to Parliament. As a part of the legislative process for the Immigration and Refugee Protection Act, a gender-based analysis of the potential impacts of the Act and its regulations had been prepared. Several sections of the Act highlighted where gender considerations had been taken into consideration. Thus, for example, the Act included the offences for human smuggling and trafficking in persons, carrying a maximum penalty of life imprisonment, a fine of up to Can$ 1 million, or both. The legislation recognized the context of trafficked women's lives by allowing a court to take into account aggravating factors such as humiliating or degrading treatment, including sexual exploitation, when determining an appropriate penalty for the crime.

331. With regard to the situation of indigenous women, the representative explained that in 1998, in response to the Royal Commission on Aboriginal Peoples, the Government had adopted an action plan called "Gathering Strength", a strategy to improve the quality of life of aboriginal people and to promote self-sufficiency with funding of Can$ 965 million over five years. The Government had also introduced legislation to modernize the governance components of the historic Indian Act, adding to the First Nations' governance tools, which aimed at improving women's quality of life in their communities by offering them increased participation in the governance of the communities, broadening their protection from discrimination and providing additional remedies.

332. Turning to unpaid work, the representative stated that in December 2002, parental benefits under the Employment Insurance scheme were increased from 10 weeks to 35 weeks and that a disincentive that affected fathers was removed, doubling the combined maternity/parental benefit period to one full year. The number of Canadians accessing parental benefits increased by 24.3 per cent in 2001. The Government had also introduced and enhanced in the recent past a Child Tax benefit and National Child Benefit System, which included a supplement for lower-income families. Those benefits were particularly important in fostering parental employment in low-income families, where earnings alone would not be sufficient to meet family needs. The new child benefits thus directly addressed some key factors contributing to poverty among women — their lower average wages and predominance as primary care providers for children.

333. Regarding women's health, the representative noted recent investments in the areas of disabilities and health research. The Institute for Gender and Health, established in 2000, offered an unprecedented opportunity to investigate the influence of gender and sex on health. The 1997 Guidelines on the Inclusion of Women in Clinical Trials were an important step forward in the light of women's greater reporting of chronic health conditions and greater use of medication than men. The Guidelines aimed to ensure that drug manufacturers seeking market approval for their products based their application on research representing the full range of patients likely to receive the drug and that women were enrolled in clinical trials at all stages of drug development. Such procedures helped to define the risks and benefits associated with drug therapy to women, including women with childbearing potential and post-menopausal women.

334. The representative stated that another major government priority was to eliminate systematic violence against women. In 2002, federal, provincial and territorial ministers released a document entitled "Assessing Violence Against

Women: A Statistical Profile", which provided reasons to believe that Canada's efforts to address violence against women might have had some positive effects. In 1993, some 12 per cent of women had indicated they had been assaulted by a marital or common-law partner in the preceding five years, whereas in 1999 the figure dropped to 8 per cent. The Government had initiated a number of criminal law reforms aimed at providing protection for victims of sexual assault and other violent offences. In addition, the Criminal Code and related legislation had been amended to facilitate the testimony of young victims of sexual or violent crime and to expand the role of victim impact statements.

335. Lastly, the representative of Canada said that Domestic Violence Courts had been created in many jurisdictions, with the aim of improving the justice system's response to domestic violence. They provided a range of specialized services, such as advocacy and support for women and children, expedited court processing, better victim cooperation and support, greater conviction rates and appropriate sentencing, including treatment for abusers.

Concluding comments of the Committee

Introduction

336. The Committee commends the State party for preparing and presenting its fifth periodic report, which contains input from the federal, provincial and territorial governments.[1] It also commends the State party for the written replies to the questions of the Committee's pre-session working group. However, it regrets that not all questions listed by the pre-session working group were answered by the State party.

337. The Committee congratulates the State party for the large delegation representing various governments headed by the Coordinator of Status of Women Canada. The Committee appreciates the open dialogue that took place between the delegation and the members of the Committee.

338. The Committee notes that the State party introduced gender-based impact analysis programmes and published Economic Gender Equality Indicators as a follow-up to the Fourth World Conference on Women.

Positive aspects

339. The Committee welcomes the accession, in October 2002, to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the acceptance of the amendment to article 20, paragraph 1, in November 1997.

340. The Committee commends the State party's policy, at the international level, in setting women's human rights standards, providing financial and other assistance to women's rights projects in developing countries as well as mainstreaming gender in its development assistance programmes and projects.

341. The Committee commends the State party for ongoing efforts towards improving the legal and de facto situation of women in Canada; in particular, it notes that the Canadian Human Rights Act as well as provincial and territorial human rights legislation have been amended or reinterpreted through court rulings and that additional laws have been formulated, all of which are directed towards the

prohibition of all kinds of discrimination, including, inter alia, the practice of female genital mutilation.

342. The Committee notes with appreciation the recruitment and promotion measures taken to increase women's participation in the Foreign Service.

343. The Committee expresses satisfaction to the State party with the efforts undertaken in some provincial jurisdictions in order to increase the number of female students in the technical and scientific disciplines at the universities.

344. The Committee, through the State party, commends the province of Quebec for having made available full-time kindergarten to all children in the province since 1997 and for making early childhood services available at a nominal cost in general and free of charge for parents on social assistance.

345. The Committee welcomes the creation of domestic family violence courts in some jurisdictions as a way to improve the justice system's response to domestic violence.

346. The Committee commends the State party for the creation, in 2000, of the Institute of Gender and Health to contribute to the reduction of health disparities and the promotion of equity for vulnerable populations of women, including women with disabilities. The Committee notes with appreciation the adoption of the Guidelines on the Inclusion of Women in Clinical Trials to ensure that women are enrolled in such trials at all stages of drug development.

Principal areas of concern and recommendations

347. The Committee regrets that the report, covering the period 1994-1998, was submitted in 2002 and that it does not fully comply with the Committee's guidelines on the format of periodic reports. The report does not provide integrated information from federal to provincial and territorial levels, article by article, as recommended by the Committee in its previous concluding comments. Moreover, the report lacks integrated sex-disaggregated data from the federal, provincial and territorial levels, in particular detailed information on the scope of the programmes and the impact of the measures undertaken by the State party to eliminate discrimination against women.

348. **The Committee recommends that, in preparing its next report, the State party take into account the Committee's new guidelines and its general recommendations. It recommends that the State party's next report contain more specific and analytical information on the situation of women by the federal, provincial and territorial governments and that it cover all jurisdictions in a consistent and integrated way. That information should be supported by nationwide sex-disaggregated data and should point to and describe the results intended and achieved by legal provisions, policies and programmes adopted by the federal, provincial and territorial governments directed towards the elimination of discrimination against women.**

349. The Committee acknowledges the State party's complex federal, provincial and territorial political and legal structures. However, it underlines the federal Government's principal responsibility in implementing the Convention. The Committee is concerned that the federal Government does not seem to have the power to ensure that governments establish legal and other measures in order to fully implement the Convention in a coherent and consistent manner.

350. **The Committee recommends that the State party search for innovative ways to strengthen the currently existing consultative federal-provincial-territorial Continuing Committees of Officials for human rights as well as other mechanisms of partnership in order to ensure that coherent and consistent measures in line with the Convention are achieved. The Committee also recommends that the existing mechanisms be used to introduce best practices in order to achieve substantive equality of women with men in the enjoyment of their human rights under all governments.**

351. The Committee is concerned that, within the framework of the 1995 Budget Implementation Act, the transfer of federal funds to the provincial and territorial levels is no longer tied to certain conditions which previously ensured nationwide consistent standards in the areas of health and social welfare. It is also concerned about the negative impact that the new policy has had on the situation of women in a number of jurisdictions.

352. **The Committee recommends that the federal Government reconsider those changes in the fiscal arrangements between the federal Government and the provinces and territories so that national standards of a sufficient level are re-established and women will no longer be negatively affected in a disproportionate way in different parts of the State party's territory.**

353. While noting recent efforts at gender-based impact analysis of legislation, programmes and other measures at the federal and some provincial levels, the Committee is concerned that such efforts are not mandatory for all levels and bodies of the various jurisdictions.

354. **The Committee recommends that the State party consider making gender-based impact analysis mandatory for all legal and programme efforts at the federal level and, through its respective Consultative Continuing Committees of Officials, at the provincial and territorial levels.**

355. While appreciating the fact that funds are available under the Court Challenges Programme for test cases under the equality guarantee in the Canadian Charter of Rights and Freedoms, the Committee is concerned that the Programme applies only to federal laws and programmes. The Committee is also concerned that federal legal aid funds in civil and family law and for legal matters related to poverty issues, in contrast to legal aid for criminal cases, are channelled to the provinces and territories at their discretion. That, in practice, turns out to have a disproportionately restrictive impact on women seeking legal redress as compared with men.

356. **The Committee urges the State party to find ways for making funds available for equality test cases under all jurisdictions and for ensuring that sufficient legal aid is available to women under all jurisdictions when seeking redress in issues of civil and family law and in those relating to poverty issues.**

357. While appreciating the federal Government's various anti-poverty measures, the Committee is concerned about the high percentage of women living in poverty, in particular elderly women living alone, female lone parents, aboriginal women, older women, women of colour, immigrant women and women with disabilities, for whom poverty persists or even deepens, aggravated by the budgetary adjustments made since 1995 and the resulting cuts in social services. The Committee is also concerned that those strategies are mostly directed towards children and not towards these groups of women.

358. **The Committee urges the State party to assess the gender impact of anti-poverty measures and increase its efforts to combat poverty among women in general and the vulnerable groups of women in particular.**

359. The Committee is concerned about a number of recent changes in British Columbia which have a disproportionately negative impact on women, in particular aboriginal women. Among these changes are: a cut in funds for legal aid and welfare assistance, including changes in eligibility rules; a cut in welfare assistance; the incorporation of the Ministry of Women's Equality under the Ministry of Community, Aboriginal and Women's Services; the abolition of the independent Human Rights Commission; the closing of a number of courthouses; and the proposed changes regarding the prosecution of domestic violence as well as a cut in support programmes for victims of domestic violence.

360. **The Committee, through the State party, urges the government of British Columbia to analyse its recent legal and other measures as to their negative impact on women and to amend the measures, where necessary.**

361. While appreciating the federal Government's efforts to combat discrimination against aboriginal women, including the pending amendment to the Canadian Human Rights Act, and to achieve substantive equality for them, the Committee is seriously concerned about the persistent systematic discrimination faced by aboriginal women in all aspects of their lives. The Committee is concerned that aboriginal women, among other highly vulnerable groups of women in Canada, are over-concentrated in lower-skill and lower-paying occupations, they constitute a high percentage of those women who have not completed secondary education, they constitute a high percentage of women serving prison sentences and they suffer high rates of domestic violence. The Committee is further concerned that the First Nations Governance Act currently under discussion does not address remaining discriminatory legal provisions under other Acts, including matrimonial property rights, status and band membership questions which are incompatible with the Convention.

362. **The Committee urges the State party to accelerate its efforts to eliminate de jure and de facto discrimination against aboriginal women both in society at large and in their communities, particularly with respect to the remaining discriminatory legal provisions and the equal enjoyment of their human rights to education, employment and physical and psychological well-being. It urges the State party to take effective and proactive measures, including awareness-raising programmes, to sensitize aboriginal communities about women's human rights and to combat patriarchal attitudes, practices and stereotyping of roles. It also recommends to the State party to ensure that aboriginal women receive sufficient funding in order to be able to participate in the necessary governance and legislative processes that address issues which impede their legal and substantive equality. It also requests the State party to provide comprehensive information on the situation of aboriginal women in its next report.**

363. While appreciating the inclusion of trafficking in persons as constituting a criminal offence under the new Immigration and Refugee Protection Act, as well as other aspects protecting refugee and immigrant women, the Committee notes that other provisions and practices may still contribute to devaluing women's educational skills and previous economic contributions to their families' well-being.

364. **The Committee requests the State party to implement fully the gender-based impact analysis and the reporting requirements provided in the new Act with a view to eliminating remaining provisions and practices which still discriminate against immigrants.**

365. While noting the improvement regarding the de facto situation of live-in caregivers through formal employment contracts, the Committee is concerned that the caregivers are allowed into the country only as temporary residents, they do not receive adequate social security and having to live in the homes of their employers may subject them to exploitation and abuse.

366. **The Committee urges the State party to take further measures to improve the current live-in caregiver programme by reconsidering the live-in requirement, ensuring adequate social security protection and accelerating the process by which such domestic workers may receive permanent residency.**

367. The Committee recognizes the efforts made by the State party in addressing the issue of trafficking in women and girls, but notes with concern that the report does not provide sufficient information on the programmes to assist victims of trafficking.

368. **The Committee encourages the State party to assist victims of trafficking through counselling and reintegration and to include detailed information on its victim assistance programmes in its next periodic report.**

369. Despite the commendable measures taken by the State party to combat violence against women and girls, including criminal law reforms, the Committee notes with concern that violence against women and girls persists. The Committee is particularly concerned about the inadequate funding for women's crisis services and shelters.

370. **The Committee urges the State party to step up its efforts to combat violence against women and girls and increase its funding for women's crisis centres and shelters in order to address the needs of women victims of violence under all governments.**

371. While appreciating the progress made as regards increased women's political representation and the new legal provisions that benefit female candidates for political office in particular, the Committee is concerned that women are still underrepresented in all areas of political and public life.

372. **The Committee urges the State party to take additional measures to increase the representation of women in political and public life. It recommends the introduction of temporary special measures with numerical goals and timetables to increase the representation of women in decision-making positions at all levels.**

373. The Committee notes with concern the lack of women's de facto equality in the labour market, including the fact that, owing to their unpaid tasks in the family, a large percentage of them work in part-time jobs, marginal jobs and self-employment arrangements, which often do not carry adequate social benefits.

374. **The Committee recommends that the State party monitor closely the situation of women's non-standard jobs and to introduce employment-related measures which will bring more women into standard employment arrangements with adequate social benefits.**

375. While commending the State party's efforts directed towards the implementation of the principle of equal pay for work of equal value, the Committee notes with concern that the auditing process is too slow and that that principle is not implemented in practice by all provincial and territorial governments.

376. **The Committee urges the State party to accelerate its implementation efforts as regards equal pay for work of equal value at the federal level and utilize the respective federal-provincial-territorial Continuing Committees of Officials to ensure that that principle is implemented under all governments.**

377. While commending the State party's efforts towards bringing aboriginal women into improved income-generating positions, the Committee is concerned that the focus on entrepreneurships may not lead to aboriginal women's economic independence.

378. **The Committee recommends that the State party ensure that income-generating activities for aboriginal women provide for a sustained and adequate income, including all necessary social benefits.**

379. The Committee is concerned that, while the report cites laudable efforts at expanding and improving childcare under all governments, there is no information, except for Quebec, indicating whether the available childcare places meet the demand and are affordable.

380. **The Committee recommends that the State party further expand affordable childcare facilities under all governments and that it report, with nationwide figures, on demand, availability and affordability of childcare in its next report.**

381. While noting improvements in the Employment Insurance Act, the Committee is concerned that the number of women eligible for unemployment benefits is lower as compared with men. While appreciating the increase in the number of months of parental leave, the Committee is concerned that the low benefit level of the parental leave may not encourage great numbers of fathers to avail themselves of that leave.

382. **The Committee recommends to the State party to reconsider the eligibility rules of that Act based on a gender-based impact analysis in order to compensate for women's current inequalities in accessing those benefits owing to their non-standard employment patterns. It also encourages the State party to consider raising the benefit level for parental leave.**

383. The Committee, although recognizing the efforts undertaken by the State party concerning the provision of social housing, is concerned that such efforts might be inadequate to address the needs of women with low incomes and those of female single parents.

384. **The Committee recommends that the State party reconsider and, if necessary, redesign its efforts towards socially assisted housing after a gender-based impact analysis for vulnerable groups of women.**

385. While recognizing the State party's close collaboration with non-governmental organizations in the work towards women's empowerment, the Committee notes with concern that non-governmental organizations were not invited to contribute to the preparation of the report.

386. **The Committee recommends that women's non-governmental organizations representing different groups of women under all governments,**

and other relevant non-governmental organizations, be involved in a national discussion and the dissemination of the next report.

387. **The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention.**

388. **Taking into account the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session of the General Assembly on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.**

389. **The Committee requests the wide dissemination in Canada of the present concluding comments in order to make the people of Canada, and particularly government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the State party to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".**

7. Fifth and sixth periodic reports

Norway

390. The Committee considered the fifth and sixth periodic reports of Norway (CEDAW/C/NOR/5 and CEDAW/C/NOR/6) at its 597th and 598th meetings, on 20 January 2003 (see CEDAW/C/SR.597 and 598).

Introduction by the State party

391. In introducing the fifth and sixth periodic reports, the representative of Norway stressed that her Government highly valued the monitoring by treaty bodies of States parties' human rights obligations and the constructive dialogue that ensued for the promotion and protection of human rights.

392. Many measures had been taken to promote women's rights and gender equality in Norway, and more than 90 per cent of the population viewed gender equality as a core value of society. The Government had placed these issues high on its agenda and had sought new measures tailored to the needs of modern society. Although all goals had not yet been attained, considerable achievements had been made. By the end of 2003, the Ministry of Children and Family Affairs would submit a concrete proposal on how to strengthen implementation of the Convention on the Elimination of All Forms of Discrimination against Women.

393. The representative said that in Norway there was a close link between family policy and gender equality policy, with the objective of giving both women and men equal opportunities to combine work and parenthood. Strong emphasis had been placed on improving conditions for families with young children. The family policy addressed the role of fathers and the importance of strengthening that role for the good of the children, while also promoting equality and the value of family life. Since 1978 fathers had been entitled to take parental leave after the birth of a child, but few had exercised that right. Therefore, in 1993 a paternity quota was introduced whereby, if both parents qualified for parental benefits, four weeks of leave were reserved for the father. The paternity quota had proved very effective, as 8 out of 10 men took advantage of the leave.

394. She explained that in 1998 a scheme was introduced entitling certain families with children between the ages of one and three to a cash benefit. The purpose of the benefit was to give families more time to care for their children and freedom of choice in deciding childcare arrangements. Norway faced a shortage of day-care centres for young children and was addressing this issue as a high priority, including through increased budgetary allocations.

395. The representative indicated that one of the challenges facing Norway was that few women participated in decision-making in the economic field, especially in large corporations and firms. In 2002, only 6.6 per cent of members of boards of public stock companies were women. In an effort to address this situation, in 2002 the Government adopted a directive to the effect that both sexes should be represented by a presence of at least 40 per cent on executive boards of public joint stock companies and in State-owned companies. It is hoped that this goal will be reached by the end of 2003 with regard to State-owned companies. Private companies had until the end of 2005 to reach the goal. Initially, this directive had met with considerable resistance, but there was growing recognition that more diversity on executive boards would be an asset for companies. The number of women elected to executive boards of private companies had increased, although their number was still very low. The representative highlighted the fact that Norway was the first country in the world to propose legislation concerning the representation of women and men on executive boards.

396. She stated that equal pay for work of equal value was another top priority of her Government. During the last 20 years, the gap in wages between women and men had decreased and, compared with that of other countries, was generally small; however, more needed to be done. New legislation was adopted in 2002 on this issue, and the equal pay provision of the Gender Equality Act was revised to cover work of equal value across professions and occupations under the same employer. The representative stressed that in order to eliminate the pay gap, in addition to legislation primarily aimed at securing individual rights, the Government wished to focus on wage formation, social norms, market systems and pay policies.

397. The representative outlined a number of projects addressing the gender pay gap, including a project funded by the European Commission's Community Framework Programme, which carried out case studies of three occupations in Norway and five other European countries. Those studies showed that job segregation was a major explanation for differences in wages. The representative pointed out that the gender pay gap arose from the segregation of women and men in different occupations, firms and positions, and wage differences that favoured male-

dominated jobs. A Nordic project on equal pay, to be carried out from 2003 to 2006, would explore means of obtaining better statistics, analyse the relationship between wage formation and the pay gap and examine pay policies and the relationship between gender segregation in the labour market and differences in pay. Another project was aimed at developing a gender-neutral job evaluation system in Norway.

398. One of the Government's highest priorities was to combat violence against women. Assistance to women victims of violence had greatly improved. However, progress in preventing abuse and violence against women was difficult to determine. Underreporting of violence against women was still common. In September 2003, the Commission on Violence against Women was scheduled to submit a report that would provide an overview of measures taken and their results. This report would be taken into account in the Government's revision of its plan of action to combat domestic violence. The representative reported on the number of women taking refuge in shelters and indicated that the number of foreign women in shelters had been steadily rising.

399. The representative stated that trafficking in women and children was a fairly new problem in Norway and related mainly to sexual exploitation, involving mostly foreign women. The Government attached great importance to preventing trafficking in human beings, including criminalizing all aspects of trafficking, and supporting and protecting victims, and would launch a plan of action to prevent and combat trafficking in women and children in the spring of 2003. Non-governmental and other organizations and partners were involved in the preparations of the plan, which would cover all aspects of the chain of trafficking. The Government relied on international cooperation initiatives against trafficking and had initiated preparations for ratification of the United Nations Convention against Transnational Organized Crime and its three Protocols.

400. Combating arranged marriages and female genital mutilation had also been a priority of the Government, and a number of measures had been taken, including several action plans. The representative underlined that in dealing with these issues, the Government had relied on a dialogue with non-governmental organizations, individuals and communities that represented the cultures in which such practices had their roots.

401. Finally, the representative informed the Committee that the Government had provided financial support for a feasibility study concerning a possible worldwide hearing on best practices in combating violence against women.

Concluding comments of the Committee

Introduction

402. The Committee commends the State party for its fifth and sixth periodic reports, which comply with the Committee's guidelines for the preparation of reports. It also commends the State party for the oral presentation by the delegation, which helped to clarify the current situation of women in Norway and provided additional information on the implementation of the Convention.

403. The Committee commends the State party for its high-level delegation, headed by the Minister for Children and Family Affairs, and appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

Positive aspects

404. The Committee commends the State party for the effective national machinery for the advancement of women and gender equality and the wide range of policies, programmes and legislative initiatives aimed at ensuring de jure equality and at bringing about women's de facto equality with men.

405. The Committee also commends the State party for its innovative strategy to increase the number of women on the executive boards of public joint stock companies and State-owned companies. According to that strategy, legislation making it mandatory for the boards of those companies to have a minimum of 40 per cent from each sex in their membership would come into force in 2006, if that target had not been reached voluntarily by the end of 2005.

406. The Committee welcomes the State party's policy of strengthening the promotion and protection of women's human rights and of integrating a gender dimension into its development cooperation programmes.

407. The Committee notes with appreciation that the State party has ratified the Optional Protocol to the Convention and accepted the amendment to article 20, paragraph 1, of the Convention, relating to the Committee's meeting time.

408. The Committee commends the State party on its willingness to object to reservations entered by other States parties that it considers incompatible with the object and purpose of the Convention.

Principal areas of concern and recommendations

409. The Committee notes that the Convention has yet to be incorporated into the domestic law of the State party.

410. **The Committee recommends that the State party amend section 2 of the Human Rights Act (1999) to include the Convention and its Optional Protocol, which will ensure that the provisions of the Convention prevail over any conflicting statutes and that its provisions can be invoked in domestic courts. It also recommends campaigns to raise awareness of the Convention, aimed, inter alia, at parliamentarians, the judiciary and the legal profession. The Committee requests that the State party report on progress made in this regard in its next periodic report and that it provide information on instances in which the Convention has been invoked before domestic courts.**

411. The Committee is concerned about the persistence of stereotypical cultural attitudes towards women reflected in the low proportion of women in top leadership positions in the public sector, including in academia, which remains well below 20 per cent.

412. **The Committee recommends that the State party take additional measures to eliminate stereotypical cultural attitudes, including through awareness-raising campaigns directed at both women and men, and conduct research into the stereotypical cultural attitudes prevailing in Norway. It suggests that the State party consider changing the name of the Ministry of Children and Family Affairs to convey the concept of gender equality more clearly as a symbolic and important gesture. The Committee furthermore recommends that the State party encourage the media to project a positive image of women and of the equal status and responsibilities of women and men in the private and public spheres.**

413. While acknowledging the adoption in 2001 of the State party's plan of action against racism and discrimination, the Committee expresses concern about the multiple discrimination faced by migrant, refugee and minority women with respect to access to education, employment and health care and exposure to violence.

414. **The Committee urges the State party to take effective measures to eliminate discrimination against migrant, refugee and minority women and to further strengthen its efforts to combat xenophobia and racism. It also urges the State party to be proactive in its measures to prevent discrimination against these women, both within their communities and in society at large, and to increase their awareness of the availability of social services and legal remedies. The Committee recommends that the State party ensure that a gender dimension is included in legislation against ethnic discrimination.**

415. The Committee is concerned about the existence of various obstacles to the integration of migrant and refugee women into Norwegian society and regrets that the report provides insufficient information about their situation.

416. **The Committee recommends that the State party strengthen its efforts to, inter alia, enable and encourage migrant and refugee women, particularly those with care-giving responsibilities, to participate in Norwegian-language classes and calls on the State party to provide comprehensive information on this group of women — including in respect of their employment, social security and access to health care and other social services — in its next periodic report.**

417. The Committee expresses concern that the policy of decentralization has reduced the number of institutions responsible for gender equality issues at the municipal level, which may have a negative impact on the advancement of women and gender equality.

418. **The Committee recommends that the State party undertake a gender-impact analysis of its decentralization policy and guarantee, if necessary through legislation, that there are institutions responsible for gender equality issues in all communities in Norway.**

419. The Committee is concerned about the persistence of violence, including domestic violence, against women and children in Norway. It is further concerned that this violence, the extent of which is unknown, is regarded as falling into the private sphere. The Committee is furthermore concerned that a predominant and growing number of women who seek refuge in shelters for battered women are migrants. It is also concerned that an extremely low percentage of reported rapes results in convictions and that the police and public prosecutors dismiss an increasing number of such cases.

420. **The Committee urges the State party to intensify its efforts to address the issue of violence against women, including domestic violence, as an infringement of women's human rights. In particular, the Committee urges the State party to undertake appropriate measures and introduce laws in conformity with general recommendation 19 to prevent violence, prosecute and rehabilitate offenders, and provide support services and protection for victims. The Committee also urges the State party to initiate research and analysis of the causes of the very low percentage of trials and convictions in reported rape cases.**

421. The Committee notes with concern that trafficking in women and children for the purpose of sexual exploitation has not yet been defined explicitly as a crime under the penal code or criminalized.

422. **The Committee urges the State party to enact relevant legislation in this regard.**

423. While noting that the State party offers some measures of support to victims of trafficking, both within its territory and in their countries of origin, the Committee notes with concern that the gravity and extent of the problem remain unknown.

424. **The Committee requests the State party to include in its next periodic report comprehensive information and relevant data, including on progress made in this area. It also recommends that the State party develop and strengthen measures of support for victims of trafficking, including through increased bilateral cooperation with their countries of origin. It further urges that the training of law enforcement officials be pursued so as to enable them to provide adequate support to victims of trafficking.**

425. While noting that the State party has placed the issue of forced marriages and female genital mutilation on the political agenda for the past few years, and has developed action plans and taken other political measures, the Committee is concerned at the extent of these practices.

426. **The Committee requests the State party to continue its efforts to eradicate those practices.**

427. The Committee is concerned about the noticeable decline in recent years in women's representation in Parliament and notes that the increase in women's participation in municipal and county councils is slow. The Committee is also concerned about the low level of representation of women in the higher levels of the diplomatic service, in particular as ambassadors or as consuls general.

428. **The Committee recommends that the State party introduce measures to increase the representation of women in Parliament, in municipal and county councils and at higher levels in the Foreign Service, particularly as ambassadors and consuls general.**

429. The Committee is concerned that women remain disadvantaged in the labour market, particularly that a wage gap between women and men persists and that the presence of women, as compared with that of men, predominates in part-time work.

430. **The Committee urges the State party to adopt policies and concrete measures to accelerate the eradication of pay discrimination against women, to further study the underlying causes of the wage gap and to work towards ensuring de facto equal opportunities for women and men in the labour market. The Committee recommends that further measures allowing for the reconciliation of family and professional responsibilities be adopted and implemented and that the equal sharing of domestic and family tasks between women and men be promoted.**

431. **Taking into account the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of**

Action of the International Conference on Population and Development (twenty-first special session), the special session of the General Assembly on children (twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.

432. **The Committee urges the State party to respond in its next periodic report to the specific issues raised in the present conclusions.**

433. **The Committee requests that the text of the present conclusions be widely disseminated in Norway so as to inform the public, in particular administrators, officials and politicians, of the measures taken to guarantee de jure and de facto equality between men and women and of the supplementary measures to be adopted in that area. The Committee also urges the State party to continue to give broad publicity to the Convention, its Optional Protocol, the general recommendations of the Committee, the Beijing Declaration and Platform for Action, and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century", held in June 2000 — particularly among women's associations and human rights organizations.**

Chapter V

Activities carried out under the Optional Protocol to the Convention

434. Article 12 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women provides that the Committee shall include in its annual report under article 21 of the Convention a summary of its activities under the Protocol.

A. Action taken by the Committee in respect of issues arising from article 2 of the Optional Protocol

1. Name and membership of the Working Group established under rule 62 of the Committee's rules of procedure

435. The Committee decided to change the name "Working Group on the Optional Protocol" to "Working Group on Communications under the Optional Protocol" as recommended by the Group.

436. The Committee confirmed the appointment of Hanna Beate Schöpp-Schilling (Chairperson), Aida González Martínez and Fatima Kwaku and newly appointed Cornelis Flinterman and Krisztina Morvai as members of the Working Group on Communications under the Optional Protocol for a two-year period. The Committee will revisit the issue of the membership at the end of that period, given developments in its potential caseload and the necessary expertise required in the Working Group.

2. Activities carried out under article 2 of the Optional Protocol

437. The Working Group on Communications under the Optional Protocol, established by the Committee at its twenty-fourth session, informally met during the course of the twenty-eighth session of the Committee, reviewed its methods of work including in respect of potential communications, and considered a number of issues related to cooperation between the Division for the Advancement of Women and the Office of the High Commissioner for Human Rights. It also noted that the Division, pursuant to a recommendation made by the Committee at its twenty-seventh session[2] will prepare background papers on several provisions of the Optional Protocol for the use of the Committee and the Working Group at the next session.

3. Dates of meetings of the Working Group on Communications under the Optional Protocol

438. The Committee endorsed the request of the Working Group that it meet one week prior to the sessions of the Committee. It also noted the Working Group's intention to meet prior to the twenty-ninth session from 23 to 27 June 2003.

B. Action taken by the Committee in respect of issues arising from article 8 of the Optional Protocol

Commencement of work by the Committee

439. In accordance with article 8, paragraph 1, of the Optional Protocol, if the Committee receives reliable information indicating grave or systematic violations by a State party of rights set forth in the Convention, the Committee shall invite that State party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned.

440. In accordance with rule 77 of the Committee's rules of procedure, the Secretary-General shall bring to the attention of the Committee information that is or appears to be submitted for the Committee's consideration under article 8, paragraph 1, of the Optional Protocol.

441. The Secretary-General, in pursuance of rule 77 of the Committee's rules of procedure, brought to the attention of the Committee at its twenty-eighth session information that had been submitted for the Committee's consideration under article 8 of the Optional Protocol. The Committee's work under article 8 of the Optional Protocol thus commenced at its twenty-eighth session.

442. In accordance with the provisions of rules 80 and 81 of the Committee's rules of procedure, all documents and proceedings of the Committee relating to its functions under article 8 of the Optional Protocol are confidential and all the meetings concerning its proceedings under that article are closed.

Chapter VI
Ways and means of expediting the work of the Committee

443. The Committee considered agenda item 8, on ways and means of expediting its work, at its 589th and 608th meetings, on 13 and 31 January 2003 (see CEDAW/C/SR.589 and 608).

444. In introducing the item, the Acting Chief of the Women's Rights Section of the Division for the Advancement of Women, Department of Economic and Social Affairs of the United Nations Secretariat, drew attention to the report of the Secretariat (CEDAW/C/2003/I/4).

Action taken by the Committee under agenda item 8

1. Members of the pre-sessional working group for the thirtieth session

445. The Committee decided that members of the pre-sessional working group for the thirtieth session and their alternates should be:

Members:

Ms. Huguette Bokpe Gnacadja
Ms. Salma Khan
Ms. Dubravka Šimonovic
Ms. Regina Tavares da Silva
Ms. Aída González Martínez

Alternates:

Ms. Akua Kuenyehia
Ms. Rosario Manalo
Ms. Victoria Popescu
Ms. Françoise Gaspard
Ms. Yolanda Ferrer Gómez

2. Dates of the twenty-ninth session of the Committee and its pre-sessional working group

446. In conformity with the approved calendar of conferences and meetings for 2003, the twenty-ninth session of the Committee will be held from 30 June to 18 July 2003. It was agreed that the pre-session working group for the thirtieth session would meet from 21 to 25 July 2003.

3. Reports to be considered at future sessions

447. The Committee decided to consider the following reports at its twenty-ninth and thirtieth sessions:

(a) Twenty-ninth session:

(i) Combined initial, second and third, and fourth periodic reports: Costa Rica;

(ii) Combined initial, second, third, fourth and fifth periodic reports: Brazil;

(iii) Second periodic reports:
Morocco;

(iv) Second and third periodic reports:
Slovenia;

(v) Combined third and fourth, and fifth periodic reports:
France;

(vi) Combined fourth and fifth periodic reports:
Ecuador;

(vii) Fourth and fifth periodic reports:
Japan;

(viii) Fifth periodic reports:
New Zealand.

(b) Thirtieth session:

(i) Initial reports:
Bhutan;
Kuwait;

(ii) Second periodic reports:
Kyrgyzstan;

(iii) Combined second and third periodic reports:
Nepal;

(iv) Combined fourth and fifth periodic reports:
Ethiopia;
Nigeria;

(v) Combined fourth, fifth and sixth periodic reports:
Belarus;

(vi) Fifth periodic reports;
Germany.

4. Studies/background papers on prostitution, trafficking and sexual orientation

448. The Committee recommended that the Division for the Advancement of Women prepare (i) a paper for the Committee's twenty-ninth session containing an analysis of the travaux preparatoires on article 6 of the Convention and the jurisprudence of the Committee in respect of prostitution and trafficking, based on its concluding comments and (ii) a paper compiling information on the jurisprudence, if any, of other treaty bodies concerning the aspect of "sexual orientation" as it relates to discrimination and the enjoyment of human rights.

5. Overdue reports

449. The Committee decided, as part of a strategy to encourage States parties to report in accordance with article 18 of the Convention, to convene at its twenty-ninth session, a closed meeting with non-reporting States parties whose reports have been overdue for more than five years in order to discuss, inter alia, challenges

encountered when trying to adhere to the reporting cycle and ways and means to assist the State party in the preparation of its report.

450. The Committee also requested the Division for the Advancement of Women to prepare for its twenty-ninth session a compilation of profiles of non-reporting States, including priority non-reporting States, long-term non-reporting States and short-term non-reporting States, in order to facilitate the Committee's analysis of the root causes of non-reporting.

6. United Nations meetings to be attended by the Chairperson/members of the Committee in 2003

451. The Committee recommended that the Chairperson or an alternate attend the following meetings in 2003:

(a) The forty-seventh session of the Commission on the Status of Women;

(b) The fifty-ninth session of the Commission on Human Rights;

(c) Workshop to discuss reform proposals for treaty bodies contained in the report of the Secretary-General submitted to the General Assembly at its fifty-seventh session;

(d) The second inter-committee meeting of the human rights treaty bodies, which the Office of the High Commissioner for Human Rights plans to convene in June 2003;

(e) The fifteenth meeting of chairpersons of the human rights treaty bodies;

(f) The fifty-eighth session of the General Assembly (Third Committee).

In addition to the Chairperson, designated members of the Committee will attend the meetings referred to in subparagraphs (c) and (d) above.

Chapter VII
Implementation of article 21 of the Convention

452. The Committee considered agenda item 7, on the implementation of article 21 of the Convention, at its 589th and 608th meetings (see CEDAW/C/SR.589 and 608).

453. The item was introduced by the Acting Chief of the Women's Rights Section of the Division for the Advancement of Women, Department of Economic and Social Affairs of the United Nations Secretariat, who drew attention to a note by the Secretary-General on the reports of specialized agencies (CEDAW/C/2003/I/3) and the reports of specialized agencies on the implementation of the Convention in areas falling within the scope of their activity (CEDAW/C/2003/I/3/Add.1-4 and Add.1/Corr.1).

Action taken by the Committee under agenda item 7

1. General recommendation on article 4 (1) of the Convention

454. Ms. Schöpp-Schilling reported about an expert meeting on article 4, paragraph 1 of the Convention, convened by academics in October 2002 in Maastricht, the Netherlands, and referred to a brainstorming session that was held in the Permanent Mission of Germany to the United Nations in New York in July 2002, with the participation of civil society representatives and members of the Committee. The Committee invited Ms. Schöpp-Schilling to submit to the Secretariat, by mid-May 2003, the draft text of a general recommendation on article 4.1 of the Convention based on the background papers she had prepared with the assistance of the Secretariat, the discussions that had taken place between the Committee, interested United Nations agencies and non-governmental organizations and drawing on the results of the Maastricht expert meeting. The Committee requested that at least one day should be set aside during the twenty-ninth session for consideration of that draft text.

2. Long-term programme of work of the Committee regarding general recommendations

455. At its twenty-seventh session, the Committee on the Elimination of Discrimination against Women requested the Secretariat to provide a report on the current schedule for general recommendations for its twenty-eighth session, in January 2003. That report was before the Committee as part of the report of the Secretariat on ways and means of expediting the work of the Committee (CEDAW/C/2003/I/4, sect. III). The Committee discussed its various options. While agreeing that Committee members should simultaneously work on background papers to several general recommendations, no priorities among the topics were established. The following members volunteered to prepare background papers on the following issues:

Ms. Gonzalez, Ms. Shin, Ms. Gaspard, Ms. Morvai, Ms. Patten and Ms. Ferrer	Article 6
Ms. Melander, Ms. Kapalata	Refugee women

Mr. Flinterman, Ms. Popescu, Ms. Šimonovic	Outcome of the Durban Declaration and Programme of Action and multiple discrimination against women
Ms. Tavares da Silva, Ms. Kuenyehiya, Ms. Achmed, Ms. Šimonovic	Equity and equality
Ms. Manalo	Migrant women

Chapter VIII

Provisional agenda for the twenty-ninth session

456. The Committee considered the draft provisional agenda for its twenty-ninth session at its 608th meeting (see CEDAW/C/SR.608). The Committee decided to approve the following provisional agenda for the session:

1. Opening of the session.
2. Adoption of the agenda and organization of work.
3. Report of the Chairperson on activities undertaken between the twenty-eighth and twenty-ninth sessions of the Committee.
4. Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women.
5. Implementation of article 21 of the Convention on the Elimination of All Forms of Discrimination against Women.
6. Ways and means of expediting the work of the Committee.
7. Provisional agenda for the thirtieth session.
8. Adoption of the report of the Committee on its twenty-ninth session.

Chapter IX
Adoption of the report

457. The Committee considered the draft report of its twenty-eighth session (CEDAW/C/2003/I/L.1 and CEDAW/C/2002/I/CRP.3 and Add.1-7) at its 608th meeting (see CEDAW/C/SR.608), and adopted it, as orally revised during the discussion.

Notes

[1] Throughout the text, the term "governments" refers to the federal, provincial and territorial governments.

[2] See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 38* (A/57/38), Part II, para. 361.